British Burma.

JUDICIAL DEPARTMENT

REPORT

ON

CRIMINAL AND CIVIL JUSTICE,

FOR

1870.

RANGOON

PRINTED AT THE SECRETARIAT PRESS

1872

XIIIA

TABLE OF CONTENTS

CHIEF COMMISSIONER'S RESOLUTION 1

CRIMINAL JUSTICE REPORT

Arakan Division 1

Pegu „ 51

Tenasserim „ 101

CIVIL

Arakan Division 120

Pegu „ 171

Tenasserim „ 186

Recorder of Rangoon 196

„ Maulmain. 201

Small Cause Court, Rangoon Town 211

„ Rangoon Cantonment 217

APPENDIX

RESOLUTION

ON THE

REPORTS OF THE ADMINISTRATION

OF

CRIMINAL & CIVIL JUSTICE,

IN

BRITISH BURMA,

FOR 1870

CRIMINAL.

Number of offences reported.

There are shewn to have been 27,084 offences reported during the year 1870, as compared with 26,257 reported in 1869. The statements do not distinguish between bailable and non bailable offences, and hence it is not easy to discover readily whether this increase of 827 offences was in serious crime, or in petty complaints of assault and the like. But the district reports shew that in some parts of the Province there was a marked increase in heinous crime, especially in murder by dacoits, and in dacoities. This was especially the case in Akyab and Bassein. The account which the Deputy Commissioner of Akyab gives of the inhuman ferocity of the Arakanese and the unnecessary murders committed by plunderers, is very deplorable. Mr. Ireland attributes the increase in crime to the increased use of opium; to the inadequacy of the Police force; and to the want of European Magistrates in the interior. The Chief Commissioner is unable to accept the explanation. The increased consumption of opium amongst the people has been gradual and the work of years, and will in no way account for the large increase of crime in the year under review. The Chief Commissioner is quite unable to understand Mr. Ireland's complaint of want of sufficient police; he is as well off as other district officers. If the Native Magistrates are properly worked and looked after they should be able to exercise as much influence in checking crime as in-

experienced European Assistants. The Chief Commissioner concurs in the view taken by the Commissioner in respect to Mr. Ireland's explanation.

2. It is creditable to the administration of Captain Plant, the Deputy Commissioner of Myanoung, that the number of dacoities in his district decreased from 52 to 18.

3. The town Magistrate of Rangoon mentions that the cases of false evidence prosecuted in his Court were all committed by natives of India. It would be interesting to enquire whether this remark applies to other towns, and whether the Burmese have more regard to the oaths administered in our Courts than the natives of India have, or whether it is that there is less inclination to proceed against them for false swearing.

4. The figures given below show that the increase in the number of offences may be due as much to an increase in the number of petty complaints as to a real increase in crime:—

		No. of offences.	No. of persons acquitted.	No convicted.
1869	Offences—Criminal force.	4,045	4,548	1,952
1870		4,449	5,066	1,807
1869	Criminal intimidation or insult.	4,103	4,025	1,614
1870		4,270	4,393	1,356

Thus there was an increase of 571 in the number of complaints of criminal force and intimidation.

5. The proportion between the convictions and acquittals as given above is not satisfactory, for it shows that in the majority of cases, innocent persons were harassed by groundless prosecution, and that the machinery of our courts has been put in motion to gratify private enmity. It is clear that summonses are too readily granted on the presentation of complaints, without the previous examination of the complainant, as required by Section 66 of the Code of Criminal Procedure.

An intelligent examination of the complainant before the issue of summons might often shew that the accusation could not be supported, or that the charge brought was not one that should be investigated in the criminal courts.

6. The increase in the number of offences reported seems, however, principally due to the increased number of prosecutions for nuisances under the Penal Code or municipal rules, which were only 497 in 1869 and amounted to 1,603 in 1870.

7. The number of persons brought to trial during 1870 is entered in the statement No. 2 at 43,323 in 1870, as compared with 41,754 in 1869. Number of persons brought to trial

8. The proportion between offences reported and persons brought to trial is very different from that which prevails in other parts of India. The total shews 43,323 persons brought to trial as compared with 27,084 offences; this contains offences under the Gaming Act, breaches of municipal rules, riots, affrays, and other crimes where detection is easy and the number of persons concerned is likely to be large. But if we regard offences where detection is more difficult, the proportion still remains very high. Thus we have :—

Class of Crime.	No. of offences.	Persons brought to trial.
Dacoities	103	408
Robbery	153	214
House-breaking in order to commit theft ...	405	239
Theft of cattle	681	827
Theft, ordinary	6,355	5,082

If the number of offences reported represents at all nearly the number of offences actually committed, the proportion would indicate greater activity on the part of the Police than exists elsewhere ; nor are the proportions of convictions for these serious offences at all unfavorable.

Class of Crime.	No. of offences.	No. of persons convicted.
Dacoity	103	112
Robbery	153	107
House breaking to commit theft	405	142
Theft of cattle	681	582
Theft, ordinary...	6,235	3,412

9. It is to be regretted, that of 14 persons brought to trial in the Akyab district for dacoity only one man was convicted; and the Deputy Commissioner reports that the Police have entirely failed in coping with dacoity during the year.

10. The following table compiled from the reports of the Town and Cantonment Magistrates at Rangoon shews the nationality of the criminal population of the town:—

Burmese, ...	2,707
Chinese,...	326
Europeans and Eurasians, ...	194
Natives of India, ...	4,984

The large proportion of Madrassees is noticeable. Out of 7,432 persons brought up on trial before the Town Magistrate, 3,042 were Madrassees.

Result of Criminal trials

11. Of the 43,573 persons shewn in statement No. 3 as on trial before the Magisterial Courts, 4,965 were before the Courts of the Chief Magistrates of the districts, who appear to take a larger share than is usual in India in the disposal of criminal work. This is no doubt partly due to the peculiar jurisdiction exercised by them under Section 445 A, of the Criminal Procedure Code, and is matter for satisfaction.

12. The number of persons convicted in the Magistrates' Courts was 21,810, as compared with 20,922 discharged without trial or acquitted. The proportion of convictions cannot be considered good, but it would appear to be due rather to the number of groundless complaints of petty offences, than to failures of prosecutions in serious cases. The number of persons discharged without trial, *viz.*, 6,527, attracts attention. It is a manifest evil that so many persons should have been brought up before a Criminal Court, against whom the evidence was so weak that it was not even necessary to subject them to formal trial.

State of the files at the close of the year.

13. The state of the files at the end of the year was generally good. The total number of persons

awaiting trial before the Magistrates at the close of the year was 274. In the Magistrates' Courts of the Arakan division, there were only 18 cases left pending: in those of the Tenasserim and Pegu divisions the files were not so clear, but the arrears do not anywhere appear to call for animadversion; and the general result is an improvement upon the return for 1869, which shewed 479 persons awaiting trial at the end of the year.

Average duration.

14. The average duration of cases is very short. Thus the average duration in the Courts of the Arakan division is entered at 3 days. In the Pegu division the largest average duration appears to be in the Court of the Rangoon district, and this is only 9 days. In Tenasserim the average duration is only 5 days.

If the duration of cases is calculated, as it should be, from the date of institution of complaint in the Magistrate's Court, it is difficult to understand how the several processess of summoning the witnesses for the prosecution, and the accused and his witnesses and the trial itself, can be got through in 3 days. Where the case is sent in complete by the Police, it admits of more despatch.

Detention of witnesses.

15. The new returns do not shew the period of the detention of witnesses. The omissions should be supplied in future. An examination of the district returns shews that there has been some delay in this matter in certain Courts. As a rule, no witness should be detained over three days, and of course even this detention should be exceptional. But in Akyab 80 witnesses were detained over 3 days; in Myanoung witnesses were detained from 9 to 15 days; but here the exceptional cause was the removal of the head-quarters of the district. In Prome, although the Deputy Commissioner set a good example and detained no witnesses over three days, 233 witnesses in other Courts were kept longer than 3 days. In Thayetmyo 40 witnesses were detained beyond 3 days, and the same number in Toungoo.

16. On the subject of the attendance of witnesses, the Town Magistrate of Rangoon makes some remarks which should be noticed. He represents that litigious natives, knowing that 8 annas for the stamp on which they embody their complaint is the only charge, unhesitatingly apply for any number of subpœnas for their alleged witnesses; that witnesses are thus brought to Court in large numbers, and often those who know nothing whatever about the case; that complainants having caused subpœnas to be issued for their witnesses settle the case out of Court, and yet allow the witnesses to attend the Court without taking any trouble to inform them of the settlement; and Captain Evanson complains that the Magistrate is without resource to prevent or punish such proceedings. But a reference to Section 262 of the Code would shew the Magistrate that parties in trivial cases triable under Chapter XV should ordinarily be left to bring their own witnesses with them, and that a Magistrate should only summon witnesses in such petty cases, where it appears that they are likely to give material evidence, and that they will not voluntarily appear. The Magistrate should not, as a matter of course, issue any number of summons for which a complainant may apply, but should inquire as to the character of the expected evidence and as to the reason for requiring the assistance of the Court.

Punishments inflicted

17. The following statement shews the various punishments inflicted by the Magisterial Courts throughout the year 1870, as compared with 1869:—

	1869.	1870.
Persons sentenced to transportation	..	8
Rigorous imprisonment	4,327	4,071
Simple do.	528	327
Fine	15,118	14,985
Whipping	162	278
Gave recognizance or security	777	1,204
Total	20,912	21,473

The increase in the number of punishments inflicted is not commensurate with the increase in the number of offences reported.

18. The decrease in the number of persons sentenced to simple imprisonment is probably not to be regretted. Some officers have represented a supposed defect in the law, in that persons sentenced to imprisonment in default of security cannot be required to labour in jail. It may be observed that the law itself is silent on the subject, merely directing that the defaulter shall be committed to prison. There have been various judicial rulings on the subject. It certainly seems to be regretted that the vagrant should not, while in jail, have an opportunity of learning the habit of honest labour. An idle life in prison cannot reform the offender himself, nor is it probably regarded by the criminal classes as such a penalty as to deter them from the commission of crime.

19. It will be observed that there is a considerable increase in the number of persons ordered to give security. The authority entrusted to Magistrates by the provisions of Chapter XIX of the Code should always be exercised with great caution ; and the proceedings of the Police in sending in bad characters should be carefully watched. Thus the Deputy Commissioner of Akyab reports that of 86 persons brought before the Court, only 43 per cent. were directed to give security, and that the action of the Police at the commencement of the year was somewhat reckless in this respect.

20. There was an increase of 116 in the number of persons flogged.

21. Out of rupees 2,81,307 imposed as fines, a sum of rupees 1,62,923 was realized ; in some districts sufficient pains do not appear to have been taken to apportion the fines imposed to the means of the offender. Thus, in Sandoway, only rupees 1,222, or 24 per cent., were realized out of rupees 4,981 imposed ; and, as the Commissioner shews, this decrease in the amount realized is accompanied with an increase in the average amount of fines.

Appellate Courts

22. The number of persons convicted by the Subordinate Magistrates was 11,317; while the number of appellants from those convictions to the Magistrates of districts was only 434, or not 4 per cent The exceedingly small proportion of appeals is very remarkable, the more so because the appeals when made were as often as not successful. The fact is noted as very favourable by the Commissioner of Arakan, and is regarded by him as a striking instance of the estimation in which the Subordinate Magistrates are held by the people. It may be worthy of consideration whether other causes, such as difficulty of communication, may not have contributed to the result.

23. The decision of appeals was not so favourable. In the whole Province out of 434 appeals, in 216, or about 50 per cent, the orders appealed against were set aside. In some districts the Subordinate Magistrates shew very badly in this respect; as in Akyab where out of 30 sentences appealed against, 22 were reversed or modified, and in Amherst, where out of 36 appeals, in 24 were the sentences altered.

24. The number of appeals to the Court of Sessions was as follows:—

In Arakan,	53 cases,	76 persons.
In Pegu,	120 do.	221 do.
In Tenasserim,		63 do.

The Commissioner and Sessions Judge of Arakan confirmed the sentences appealed against in 32 cases; the Sessions Judge of Pegu in 791 cases; and the Sessions Judge of Tenasserim in the cases of 36 persons.

25. It is remarkable that not a single case of appeal was preferred to the Sessions Judge from the sentences of the Deputy Commissioners of Bassein and Toungoo. The district of Prome contributed the largest number of appeals, *viz.*, 48 cases; but in 37 of these cases the orders of the Magistrate were confirmed.

Sessions Courts

26. The following table shews the work of the Sessions' Courts of the Commissioners:—

	Cases	Persons	Convicted	Average duration	Pending
		*			
Arakan	37	59	39	81	6
Pegu	99	226	127	43	7
Tenasserim . ..	0	108	68	37	28

The Sessions work of the Pegu division is shewn to be considerably the heaviest. There was a large increase in the number of persons brought before the Courts of Sessions, as compared with the number tried in 1869; but this was partly due to a temporary suspension of the special powers vested in Deputy Commissioners under Section 445 A of the Code of Criminal Procedure.

27. The average duration of cases before the Courts of Sessions appears larger than is desirable in Arakan; but this was due to the Sessions Judge's inability to go down the coast in the South West Monsoon.

28. There is a lamentable increase in the number of capital sentences passed, which, including sentences passed by the Recorders, were 14 in 1869 and 33 in 1870. The other penalties awarded by the Courts of Sessions, as compared with 1869, were as follows.—

	1869	1870.
Transportation	persons 42	persons 49
Imprisonment	do. 118	do. 204
Fined	do 7	do 11
Amount of fines levied	Rs 3,000	Rs 4,100

Civil.

29. Exclusive of the Courts of the two Recorders and three Courts of Small Causes, which had jurisdiction only in the seaport towns of Rangoon and Maulmain, there were during the year under review 126 Courts of Civil original jurisdiction in the Province and 17 Courts of Appellate jurisdiction. The 13 Deputy Commissioners, however, took up very few original cases; so the original litigation of

Nature and constitution of Civil Courts.

the country may be said to have been conducted before 113 Courts, 88 of which were presided over by Native Judges.

30. On the constitution of the Courts it is needless to comment, as they will be re-organized by the Bill now before the Legislative Council. But it is proper to notice the remarks made by the Deputy Commissioner of Akyab, who represents the insufficiency and unsuitableness of the agency provided to meet the litigation of the important seaport of Akyab, and suggests that he himself, with reference to his other important duties, might be relieved of the Civil appeals coming from the town. Such remarks point towards the separation of the Civil Judicial functions from the executive, which is no doubt advisable wherever it is found that the press of other work renders impossible the devotion of uninterrupted and appointed portions of time to Judicial work. But the returns show only 143 appeals to be disposed of by the Deputy Commissioner throughout the year, and this cannot represent a very excessive amount of work. Still the fact that the pressure is felt, and the more important fact that the ordinary Court at Akyab is presided over by an officer who is only acquainted with Burmese laws and customs, and cannot be expected to be competent to decide upon disputes between merchants and foreigners, turning probably upon the law of contract, may suggest the propriety of appointing a separate Judicial officer for Akyab, as for Maulmain, or at least the institution of a Court of Small Causes, which would relieve the Deputy Commissioner by the finality of its decisions, and would probably, if presided over by a competent officer, give satisfaction to suitors.

Amount of litigation

31. The number of regular suits instituted, as compared with the number instituted during the previous year, is shown in the annexed tables:—

Name of Court	1869	1870	Increase	Decrease
Recorders' Courts	919	839	.	80
Small Cause Courts	4,587	6,731	2,144	

The increase in the number of cases instituted in the Courts of Small Causes is large, and appears to be the result of the institution of a separate Small Cause Court at Rangoon.

Name of District.	1869	1870	Increase.	Decrease
Akyab ..	2,750	2,441		309
Ramree ..	624	692	68	.
Sandoway ..	393	336	..	57
Northern Arakan ..	15	27	12	...
Total Arakan .	3,782	3,496	.	286
Rangoon	2,285	2,434	149	..
Bassein	3,136	3 147	11.	.
Myanoung ..	2,866	2,606	.	260
Prome	3,333	2,347	..	986
Thayetmyo .	..	801	801	.
Total Pégu .	11,620	11,335	..	285
Amherst ..	917	950	33	.
Shwe-gyen .	996	956	...	40
Tavoy ..	507	500	.	7
Mergui ..	654	777	123	
Toungoo .	1,135	1,184	49	..
Total Tenasserim ..	4,209	4,367	158	..
Total British Burma .	19,611	19,198	..	413

There is thus shown to be a decrease of 413 in the number of suits instituted throughout the district and subordinate Courts of the Province.

32. It should be noticed that there was a considerable decrease, amounting to 496 cases, in the litigation at Akyab, and the decrease in the value of the litigation in the district of Akyab is as high as Rs. 1,28,755 or 61 per cent. of the total value. The decrease is attributed by the Deputy Commissioner to the diminution in the amount of advances made by merchants to cultivators in the interior, and also to the exceptional distress of the preceding year, which caused loss to the hawkers taking goods from wholesale merchants for sale in the interior. From whatever cause the decrease arose, it is noticeable, and may indicate that the present constitution of the Courts at Akyab does not give satisfaction.

33. Excepting Akyab, the bulk of the litigation of the Province arises in the districts of the Pegu division. The difference in the figures showing the number of suits for the districts of this division, as compared with the other districts, is remarkable. The amount of litigation generally is small, and in the district of Northern Arakan litigation may be said not to exist. The Superintendent reports that "stamps are not required." The Court Fees' Act is, however, in force throughout British India; and the Chief Commissioner is not aware of any legal authority for the exemption of the district of Northern Arakan from its operation.

Nature of litigation.

34. The litigation may be said to have consisted principally of suits to recover money debts. There were about 1,500 suits only relating to immoveable property, and 1,178 for dissolution of marriage, and 182 for restitution of conjugal rights. The number of suits for divorce has not materially altered for the whole Province from the number shown for 1869; but the Deputy Commissioner of Myanoung notices a yearly and considerable decrease in the number of suits of this nature in his district, not that divorces have become less frequent, but that they are "ratified by the village elders" without the intervention of our Courts. The remarks of Colonel Ardagh on this subject are worthy of attention. He is of opinion that a divorce law should be enacted which would require a certain amount of form and time before the issue of the order of separation, so as to allow the man and wife leisure for consideration and repentance. The present custom is said to be a fertile source of unhappiness and crime. The subject is certainly one calling for enquiry.

Value of litigation.

35. The bulk of the litigation consisted of suits valued at between 20 and 100 Rupees. Thus, in round numbers, out of 19,000 suits instituted in the district and subordinate Courts, 14,000 were suits of that value; 2,300 were suits valued at Rs. 5 or less, and the same number was valued at over Rs. 100. Only 180 suits exceeded Rs. 500 in value, and only 70 exceeded Rs. 1,000.

Almost the whole of the litigation therefore comes within the jurisdiction of the lowest Courts which have power to hear suits where the value does not exceed Rs. 500; and the original Civil work of the Deputy Commissioners' Courts is almost nominal. The Deputy Commissioner will under the new Act have power to direct the business in the subordinate Courts to be distributed as he thinks fit, as well as to call up to his own file any particular suit. Every suit must be instituted in the Court of the lowest grade competent to try it. But it will be proper for the Deputy Commissioner so to make use of these provisions of the law as to ensure the hearing of difficult and important suits by the more educated Court.

Manner in which the litigation was disposed of.

36. The annexed table will show the manner in which suits were disposed of, and the number left pending before the district and subordinate courts:—

District.	No of suits for disposal	Decided on merits after contest in courts.	Otherwise disposed of.	No left pending.
Akyab	2,475	1,128	1,339	8
Ramree	692	331	361	..
Sandoway	338	171	164	3
Northern Arakan	27	16	11	.
Rangoon	2,496	1,266	1,167	63
Bassein	3,174	1,430	1,739	5
Myanoung	2,606	1,310	1,295	1
Prome	2,415	1,038	1,340	42
Thayetmyo	818	331	449	38
Amherst	1,018	707	259	52
Shwè gyen	957	396	514	47
Tavoy	504	384	107	13
Mergui	779	218	558	3
Toungoo	1,192	746	432	14

The state of the files appears generally to have been satisfactory at the close of the year, especially in Akyab, Bassein and Myanoung, where, though the number of suits for disposal was comparatively large, only 8, 5 and 1 suits respectively were left pending. In Ramree no suits were left pending. Generally in the Arakan division the files were left almost clear at the close of the year, and it is satisfactory also to note that only two cases had been pending over two months in the courts of this division.

37. The general statement No. 8 shows that out of 289 suits left pending in the district and subordinate courts, only 11 had been pending over four months. It is matter for surprise to find that in the courts of

Small Causes, where the procedure is more rapid, 17 cases had been pending for more than 4 months.

38. An examination of the district reports shows that in some courts a very large number of cases were dismissed for default. Thus in the courts of the Rangoon district out of 2,433 cases disposed of, no less than 744 or 30 per cent were dismissed for default; of course it is quite possible that the procedure was regular and that, the cases so dismissed having been settled out of court, the plaintiff purposely kept away. But still where the proportion is so large, a doubt is suggested whether the courts have regularly assigned dates for the hearing of cases, and have punctually observed them, so that the plaintiff may know exactly the time for his appearance.

39. Several officers have remarked upon the small number of cases referred to arbitration. There appears no reason to regret this. The Code only contemplates this mode of procedure, when the parties to the suit are desirous that the matters in difference between them shall be referred to the decision of arbitrators, and if suitors seldom express this desire, the fact may be regarded as shewing confidence in the judgment of the tribunals established by Government. Certainly the formation of a class of arbitrators, hanging about the courts in the hope of employment, is by every means to be discouraged.

40. The average duration of suits in the ordinary courts appears satisfactory. In the subordinate courts of the Akyab division, it only amounted to 11 days, and in those of the Pegu division, the highest average is that in the Prome courts which in contested cases amounted to 17 days. The decision of cases in some of the Deputy Commissioners' courts was not so prompt, but the delay is generally explained by the issue of commissions to other courts. The average duration in the court of Small Causes at Rangoon is reported at 28 days. This is commented on at some length by the Judge, and appears to be due to the practice of allowing cases to lie on a

"dormant file." But where there is neglect on the part of the plaintiff, cases should be struck off the files of the court. It is to be gathered from the Judge's remarks that this file was only examined twice in the year. It is indeed not apparent what is the cause of the existence of a "dormant file." The Code provides for the calling up of cases on fixed days, and also proper remedies where there are laches on the part of the plaintiff.

41. There is however no occasion to be otherwise than satisfied with the general procedure of the court, as the Judge reports that cases are ordinarily decided within a week of their institution.

42. Mr. Macleod, in his remarks upon the working of his court, states that plaintiffs seldom file suits in the court of the Recorder under Act V of 1866, where the amount does not exceed 1,000. This statement is not borne out by the report of the Recorder that of suits under Act V of 1866 in his court, 301 were for sums less than 1,000, which, but for Act V of 1866 would have been brought in the Small Cause Court.

43. The Judicial statement No. 10 shews that out of 5,128, applications for execution of decree in the district and subordinate courts, 3,240, or a proportion of 63 per cent were completely executed; 1,708 were partially executed, and 179 applications were left pending. The proportion of decrees completely executed is exceptionally good, and if the return is correctly prepared it appears that no cases were struck off the file without some kind of execution, that no applications were allowed to drop owing to the insolvency of the judgment debtors, or adjustment out of court, or default of the applicant for execution. The result is so strange that it can hardly be doubted that the return has not been understood.

44. The process of imprisonment seems to have been extensively used in execution of decree ; thus in the district and the subordinate courts there were 542 such processes, and in the courts of Small Causes 868.

45. The Deputy Commissioner of Sandoway makes the extraordinary proposal that our courts

should observe the native custom of decreeing personal service in execution of decree. The practice of making over the insolvent debtor to serve the creditor was one familiar to the Roman law, but is repugnant to English ideas and would inevitably lead to great abuse and tyranny.

46. Sales of immoveable property in execution of decree have diminished in number from 842 in 1869, to 514 in 1870.

47. The work of the district appellate courts is shewn in the annexed table:—

District.	No. of appealsfo r disposal.	No. pending at close of the year	Average duration.
Akyab	143	8	33
Ramree...	48	2	35
Sandoway...	42	...	20
Northern Arakan	...	...	..
Rangoon	82	11	43
Bassein	190	6	29
Myanoung	146	..	11
Prome	222	3	30
Thayetmyo	81	3	38
Amherst	116	5	5
Shwe-gyen...	101	2	13
Tavoy	129	4	13
Mergui	71	...	18
Toungoo...	106	...	9

The proportion of appeals, compared with the number of original suits decided, is by no means large. In Rangoon the number is very small, only 82 appeals to 2,420 original suits disposed of by the subordinate courts, or a proportion of 3 per cent. In Prome on the other hand the number of appeals was 222, or a proportion of nearly 10 per cent The highest proportion of cases appealed to original suits decided is in Tavoy, where the orginal suits decided by the subordinate courts amounted only to 484, and the number of appeals was 129. But nowhere can the appellate work be said to be heavy.

48. The files of the district appellate courts were generally left in a satisfactory state at the close of the year; and the average duration is nowhere excessive. The average duration of appeals before the district court of Myanoung was 102 days in 1869; that

the return for 1870 only shews 11 days is very creditable to the Deputy Commissioner, Captain Plant.

49. The proportion of cases in which the decisions of the lower court were upheld is shewn in the following table:—

Akyab	... 58	per cent.
Ramree	... 75	„
Sandoway	... 42	„
Rangoon	... 39	„
Bassein	... 66	„
Myanoung	... 67	„
Prome	... 59	„
Thayetmyo	... 56	„
Amherst	... 52	„
Shwe-gyen	... 50	„
Tavoy	... 72	„
Mergui	... 66	„
Toungoo	... 50	„

The proportion is generally favourable, being 60 per cent for the whole Province, which is a considerable improvement upon the returns for 1869, when the general proportion was 44 per cent. The returns for Rangoon is the least satisfactory: in the case of one officer only 3 decisions out of 13 cases appealed were confirmed.

50. The work of the divisional appellate courts is shewn below:—

Division.	No. of regular appeals.	No. of second appeals.	Left pending.	Average duration.
				days.
Arakan	3	13	...	32
Pegu	6	46	14	68 Regular. 57 Second.
Tenasserim... ...	...	35	3	28

Under the provisions of the Bill now before the Legislative Council, Commissioners will be relieved from hearing second appeals, which will be received by the Judicial Commissioner. The appellate work therefore of the divisional court will be very light.

51. The Commissioner of Pegu suggests that, with the view of shortening the time required to dispose of an appeal, the hearing of appeals in cases of small value should be allowed to follow the procedure

laid down for criminal appeals, and the case be decided without requiring the appearance of the appellant, unless in cases where it is necessary to call the respondent.

In regard to this suggestion, it must be remarked that the Code of Criminal Procedure by no means contemplates the decision of criminal appeals without giving the appellant or his agent opportunity to appear and be heard in support of the appeal; and that it would be very undesirable in the Chief Commissioner's opinion to give to any civil appellate court the power to dismiss an appeal without hearing what arguments can be adduced orally in support thereof unless the appellant is guilty of default.

52. The proportion in which the decisions of the Deputy Commissioners were upheld in appeal was as follows :—

Division,	No. of appeals heard,	No. of decisions confirmed.
Arakan	16	8
Pegu	38	27
Tenasserim	32	26

The result is not unfavorable to the judgments of the Deputy Commissioners.

Records

53. It is noticed that the records in the Deputy Commissioner's court at Akyab were found on examination to have been injured by insects; and that the records in the Assistant Commissioner's court were in a very unsatisfactory state. Some one officer in the establishment of the Court must be held strictly responsible for keeping the records in proper order.

Pleaders

54. Colonel Ardagh, the Commissioner of Pegu, reports of the 3rd class pleaders in Rangoon and Myanoung that they are "for the most part ignorant of anything like procedure, or even the principles of law." It is certainly the case that the pleaders are not what they should be.

55 The explanation called for from the Deputy Commissioner of Sandoway, as to the high proportion of costs to the value of suits, *viz*, 25 per cent, should be submitted when received. Costs

56 The remarks made by the Deputy Commissioner of Akyab, Mr Ireland, regarding translations of laws are worthy of attention It is quite true that the duty of rendering laws intelligible to the judges who have to administer them, and the public who have to obey them, is of the first importance Each Commissioner should submit a list of the laws of which translations are most required and they can then be taken up one by one

By order of the Chief Commissioner,

J TALBOYS WHEELER,

Secretary.

RANGOON,
The 14th March 1872

REPORT

ON THE

ADMINISTRATION

OF

CRIMINAL JUSTICE,

FOR 1870.

ARAKAN DIVISION

From Colonel J. F. J. STEVENSON, Commissioner of Arakan, to the Secretary to the Chief Commissioner of British Burma, Home Department, Judicial, No 39, dated Akyab, 10th July 1871

I have the honour to submit my report on Criminal Justice for the Arakan division for the year 1870.

2. In the year 1870 there were 26 tribunals in the division for the disposal of criminal cases in a population of 452,925 persons, or about one tribunal to 17,420 persons. In the year 1869 there were 25 tribunals to a population of 447,957 persons, or about 1 tribunal to 17,918 persons. Tribunals.

3. Of the Judges presiding in the tribunals, 9 were Europeans, and 17 Natives. Of 17 Native Judges 14 were Arakanese, and 3 Arakanese Mahomedans.

4. The following Statement shews the Magistrates and Judges of the several classes in the division during the year under review —

MAGISTRATES	Akyab district.	Akyab town.	Ramree	Sandoway	North Arakan	Total
Sub Magistrate 2nd Class	7		3	3	1	14
,, 1st Class	3		1	.	.	4
Full power Magistrate	1	1				2
Magistrate of districts	1	1	1	1	1	5
	12	2	5	4	2	25
Sessions Judge						1
					Total	26

5. Of the above 13 were the Extra Assistant Commissioners of the 3rd class, with powers of a subordinate Magistrate of the 2nd class; 2 were Extra Assistant Commissioners of the 2nd class, one exercising the powers of a subordinate Magistrate of the 2nd class, and the other that of the 1st class; two Extra Assistant Commissioners of the 1st class, both exercising the powers of a subordinate Magistrate 1st class.

Two Assistant Commissioners, one exercising the powers of a subordinate Magistrate 1st class, and the other those of a Magistrate.

One Superintendent of Gaol exercising powers of a Magistrate.

One Magistrate of Akyab Town, exercising the powers of a Magistrate, also the extraordinary powers under Section 445 A, of the Code of Criminal Procedure. No appeals come to this officer, there being no subordinate Magistrate in the Town.

One Superintendent of Hill Tracts, exercising powers of a Magistrate, and the extraordinary powers under Section 445 A, of the Code of Criminal Procedure.

Three Deputy Commissioners exercising powers both ordinary and extraordinary.

One Commissioner who is the sole Sessions' Judge of the division.

Thus from the above it will appear that 21 Judges exercised original powers, and 5 appellate powers.

6. The present returns do not distinguish Non-bailable offences from Bailable; neither do they exhibit the number of cases of persons actually brought to trial before the Courts, nor cases disposed of and pending. The only information they give being as to offences reported to have been committed during the year, and persons actually brought before the Courts.

7. The Statement below exhibits the number of offences reported, and the number of persons brought to trial during the last two years :— Statement No. 2

District	1870		1869		Increase		Decrease	
	Reported offences	Persons	Reported offences	Persons	Offences	Persons	Offences	Persons
Akyab	1 193	2,393	967	1 974	226	419		
Akyab town	930	982	944	917		65	5	
Ramree	509	954	630	914		10	121	
Sandoway	244	442	136	526			92	84
Hill Tracts	49	62	51	88			2	26
Total	2,934	4,833	2,928	4,449	6	384		

8. The above shews that there was a slight increase of six in the number of reported crimes; and an increase of 384, or 8 per cent in the number of persons brought to trial. The increase in the number of reported crimes took place in the Akyab district only; in the other districts there was a falling off under this head.

The increase in the number of persons brought to trial occurred in the district of Akyab, town of Akyab, and the district of Ramree; while there was a

falling off under this head in the district of Sandoway and North Arakan.

Akyab district.

9. On comparing the returns of the present year with those of the past, it appears that on the whole the increase in the number of reported crimes in this district was 226, or 23 per cent; and in the number of persons 419, or 21 per cent.

The number of heinous crimes increased considerably in the year of report. The increase was under the head of murder by dacoits and robbers, culpable homicide, attempt at suicide, grievous hurt, kidnapping, dacoity, theft and receiving stolen property.

The number of ordinary murders fell both under offences and persons. In simple robbery, the number of persons brought to trial fell; but the number of offences remained about the same.

10. The following is extracted from the Deputy Commissioner's report:—

"There has been a large increase in the number "of cases Bailable and Non-bailable during the "year, including cases of crimes ascertained to have "been committed. The following table gives the "figures for 1869 and the present year; and shows "that Bailable cases had increased by 157 cases and "Non-bailable by 69 cases, and that the persons "brought to trial had increased by 396 persons in "the former, and 48 in the latter.

"There were in all 284 Non-bailable cases against "215 in 1869, or an increase of 74·29 per cent; and "of Bailable cases 909 against 752 in 1869, or an "increase of 82·72 per cent.

"The number of persons absolutely involved in "committing crimes during the year is not shown "in the returns. They only exhibit those brought "to trial. Of those latter, there were in Non-bailable cases 347 against 299 in 1869, or an increase "of 86 per cent; and in Bailable cases 2,031 against "1,635 in 1869, or an increase of 80 per cent. Of "284 Non bailable cases, 224, or 70 per cent were

" brought to trial; and of 909 Bailable cases, all were " brought to trial.

" The year 1870 has been distinguished by a very " considerable increase in crimes of the gravest na- " ture, with the one single exception that of murder " unconnected with dacoity, robbery, or in fact with " any felonious intent as regards property.

" In the crime of murder in dacoity, which is pos- " sibly the most heinous crime known to the law, " and certainly the most dangerous to the well being " of society, there is an increase of 9 cases and 24 " persons. As compared with 1868, there is an in- " crease of 8 cases and 19 persons.

" It is unsatisfactory to have to record such a " large increase in this particular crime, which tends " more than any other to demoralize the people, to " paralyze industry, and to render a feeling of inse- " curity for life and property generally; independent- " ly of the grief and misery caused to families by " the ruthless murder, generally before their eyes, " of their closest relations or friends on whom, in " all probability, the survivors depended for their " daily bread.

" The details of these dacoities are always harrow- " ing: generally horrible in the extreme, and this is " particularly the case in the Akyab district, where " in every case without one single exception, the " murder of the wretched victims was not necessary " to enable the dacoits to secure the property, which " they came in search of; but was brought about " by the almost inhuman ferocity which is now the " distinguishing feature of the Arakanese character.

" The dacoits travel through the creeks by which " this district is intersected, with facility and speed, " which renders it a matter of great difficulty to " watch them.

" The gangs, with the one single exception of the " gang formed by Oo Pyn or the " Meng-Loung" (the " formation and ultimate capture of which will be " described in the report for 1871,) there were no

" gangs so distinctively formed as to enable the Po-
" lice to gain information, and follow them up, with
" a view to the prevention of crime. The persons
" who joined in these dacoities generally lived in
" villages far apart from each other, and with suffi-
" cient outward appearance of honesty as to prevent
" their being arrested as bad characters. The meet-
" ing of the members was, in many instances, acci-
" dental, and the acquaintanceship was brought
" about merely through the freemasonry common to
" bad characters.

" That these gangs were not professional, and that
" they had no systematic mode of procedure, may be
" inferred from the fact of their having, in many in-
" stances, attacked houses of notoriously poor people
" where there was really nothing to be got; and by
" the fact of the members separating and retiring to
" their villages after the crime had been committed.

" There were 45 persons engaged in committing
" the 7 dacoities with murder. Of those only 24, or
" 53 per cent were brought to trial.

" The 24 defendants were disposed of as follows
" including the sentences ultimately passed after the
" close of the year on the 10 men pending :—

" Acquitted..... 11 or 45 per cent.
" Convicted..... 13 or 54 per cent.

" Of the 13 men convicted, 8 were sentenced to
" death and were ultimately hanged ; 3 were trans-
" ported for life; and the remaining sentenced to va-
" rious terms of imprisonment, the least of which
" was 10 years.

" There are 2 robberies with murder committed
" during the year, in which 2 persons were brought
" to trial. Both the defendants were convicted and
" hanged.

" Murders from motives unconnected with the ille-
" gal possession of property, have decreased from 13
" cases in 1869 to 2 cases in this year.

" It was shewn in last year's report (where the
" great prevalence of the crime of murder was fully

" discussed) that murders are not committed as a " general rule, by persons otherwise criminal, and " that murder is a crime *per se*, which the Police " cannot ordinarily be able to prevent ; and that the " most that can be expected of them is to bring the " offenders to justice after the crime is committed.

" In the cases which occurred this year, 1 person " was convicted and executed after the close of the " year, the other defendant was acquitted.

" 7 cases of dacoity occurred in which 14 persons " only were brought to trial. In the 7 dacoities there " must of necessity have been 35 persons engaged " at the lowest possible computation.

" Assuming that to be the number engaged, only " 40 per cent were brought to trial.

" Of the 14 persons brought to trial for dacoity " during the year, 13 persons, or 92 per cent were " acquitted, and only 1 man was convicted.

" The Police have been unsuccessful, in fact they " may be said to have entirely failed in coping with " dacoity during the year.

" The causes of the marked increase of crime in " the district, are :—

(1.)—" The large increase in the use of opium, and " the inevitable demoralization resulting therefrom.

(2.)—" The inadequacy of the Police force.

(3.)—" The want of permanent European supervi- " sion, both Magisterial and Police in the interior.

(4.) " The existence of a large gang of dacoits " which imparted confidence to the existing bad cha- " racters.

" Of the above causes the most fruitful is the in- " dulgence in opium.

" The evil effects of the use of the drug on the " Mongolian or the Indo-Chinese peoples, has been " so often pointed out by men of knowledge and ex- " perience in the country, that it may appear mere " repetition to enlarge on the subject again ; but it

" being one that so deeply affects the future of a " whole people, and having directly arisen in con- " nection with this report, and the risk of being " prolix, it shall be discussed.

" The Akyab district is, owing to its geographical " position, peculiar amongst the districts of British " Burma.

" On the Naaf estuary the great Aryan and Mon- " golian races meet each other. They are as widely " different in habits of thought, physical organiza- " tion, and æsthetical characteristics as the Russians " from the Spaniards, or the English from the Turks.

" In the case of the adjacent Bengallees, opium is " known to be used by numbers as a stimulant for " years, possibly for life without any material de- " terioration, moral or physical; whilst in the case " of the Arakanese, the use of opium is immediately " attended by moral and physical degeneration of " the most decided and unmistakeable kind. As " soon as the fatal step of opium eating, or smoking, " is taken by an Arakanese (or Burmese) he is look- " ed on by his family, and all good men, as a person " unfit for society; and he is branded at once with " a name answering as nearly as possible in signifi- " cation to the English term blackguard.

" Owing to the excitable temperament of the Ara- " kanese and Burmese, and possibly to some other " inherent physical cause, the indulgence in opium " with them is never temperate, it is always exces- " sive, and consequently destructive of the vital " energies.

" A confirmed opium eater is mentally averse to, " and soon is incapable of prolonged exertion.

" He becomes incapacitated it is said, from con- " tinuing his domestic relations, and such an argu- " ment is borne out by the fact that divorces and " desertion of children are the rule amongst opium " eaters.

" Physical deterioration keeps pace with, if it " does not create moral decay: and the opium eater

" takes to crime as a ready means of supplying his " morbid appetite, without the exertion of working " for it.

" The ferocity of character, before noticed as a " growing characteristic of the Arakanese criminal, " and his insensibility to the sufferings of others, are " direct results of the baneful influence of opium on " the constitution."

11. It is necessary that I should make some remarks upon Mr. Ireland's discussion upon the subject of opium. I have first to say that I am aware that nearly all the Deputy Commissioners, and other experienced officers in British Burma, hold opinions similar to Mr. Ireland's ; yet I am bound to say that I consider such views rather exaggerated. I admit that many Burmans, in whom of course I include Arakanese, do go on from bad to worse in physical and mental deterioration from the use of opium : that they make a reckless use of it : but that the numbers are so large, that the general deterioration of the people is so great as Mr. Ireland believes, I cannot admit. In depicting such a terrible state of things as the result of the use of opium, the primary object undoubtedly is to suggest that a remedy is called for. but what is to be the remedy ?

For my part I cannot answer the question, and yet I have given much attention to the subject. Can we keep opium from the Burmese, or can we restrict their use of it ? If so, how ? Do we encourage it ? I deny that we do so. Can we keep the drug out of the country ? Make its use penal ? Or can we restrict its use to the lowest point desirable by placing high and almost prohibitive duties upon it ? The difficulties in interfering by any such methods with the use of any article of food or drink, are too well known to require discussion. Perhaps the Burman like the generality of mankind, as they become more civilized, are becoming more self-indulgent and more sensual. But the practical question as regards the Akyab district report is what effect does opium appear to have had upon crime ? Mr. Ire-

land's table intended to shew the increase (mainly attributable as he thinks to opium) does not prove as I think, or even support his statements. Three years are far too few to furnish trustworthy data; and yet in these three years there were notable decreases in some crimes, and as regards dacoities in 1870, there were some special causes for an increase.

The notorious Oophroo, a Ming-Loung, pervaded the district with his gang for several months. The same man gave great trouble in Ramree district adjoining, in 1869. What was the number of his gang? Fourteen men. Supposing that these were all opium smokers, this proves nothing, or at least no result of value. But the fact that this man was a Ming-Loung is much more than sufficient to account for his obtaining such followers.

The following figures for 5 years do not favour Mr. Ireland's views, unless the slight tendency to increase in thefts may be considered to do so. See also the favourable returns from the other districts:—

	1870.		1869.		1868.		1867.		1866.	
	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
Dacoity with murder	9	24	..	..	1	5	..	..	..	..
Dacoity	9	19	5	5	18	49	9	16	4	27
Robbery with murder	2	2	..	..	..	..	..	..	..	..
Robbery	10	10	8	30	17	34	7	21	10	21
House breaking, or House trespass ..	11	14	8	14	10	24	8	13	34	40
Theft	205	226	164	194	183	229	177	179	117	182
Receiving stolen property	15	22	12	20	20	31	15	20	13	27
Total....	261	317	197	263	249	355	216	249	178	297

Then as regards the peculiar geographical position of the Akyab district, and Mr. Ireland's remarks upon the meeting here of the Aryan and Mongolian races, I have to say that I think Mongolians generally should be supposed to be able to

make as quite a temperate use of opium as any Aryan people. I am decidedly of opinion that the Chinese do so in China; and to come to personal experience, I am quite sure that the Chinese settlers in Burma are a good example of the moderate use of it. Into such matters as the comparative uses of opium and spirits, the comparative intemperance in the corresponding results of Europeans in the use of spirits and beer, and of Asiatics in the use of opium, it would be out of place to enquire here. I have confined myself only to such remarks as Mr. Ireland's report seemed to call for.

(3.) "There has been of late years an almost "total want of constant European supervision in the "interior.

"Most other districts have outlaying European "Magistrates, whose influence and example tend, of "themselves, to keep the people in order, independ- "ently of the manifest dread on the part of crimi- "nals of European officers. The temporary removal "of the office of Junior Assistant Commissioner to "Rathaidoung in the end of the year was attended "with decidedly good results; and it is to be re- "gretted that the Assistant Magistrate had to be "removed back to head-quarters before the mea- "sure could have had permanent results.

(4.) "There is no doubt that the existence of the "'Meng-Loung's' gang exercised considerable in- "fluence over the bad characters who were waver- "ing on the brink of crime, and encouraged them to "a determined course of action.

"The gang was known to have had agents in "every village, who when opportunity offered, were "only too ready to be recruits; and in the mean- "time were banded together amongst themselves "for the commission of crimes."

12. In Akyab town there was a slight decrease in the number of reported crimes; while there was an increase of 65 persons, or 7 per cent in the number brought to trial during the year. Akyab town.

There was a decrease in the number of offences in heinous crimes, with an increase in the number of persons bought to trial during the year.

Murder, rape, dacoity and robbery increased both as to offences and persons; the offence of culpable homicide was the same in both years. In grievous hurt, the number of offences was the same, in the number of persons there was an increase.

In house-breaking and theft, there was a falling off in the number of reported crimes; but an increase in the number of persons brought to trial.

The offence of dishonestly receiving stolen property fell, both as to offences and persons.

13. The Town Magistrate makes no remarks with regard to the state of heinous crimes, and increase and decrease of persons concerned in them.

Ramree district

14. The number of reported crimes in this district is very satisfactory, as there was a decrease of 121 in the year of report which is equal to 23 per cent. The increase in the number of persons brought to trial was small, and calls for no remarks.

In heinous crimes too the number in the reported offences fell; whilst the number of persons brought to trial was about the same in both years.

Under the heads of murder, attempts to commit suicide, grievous hurt, and receiving stolen property there was an increase; while under rape, dacoity, robbery, extortion and theft, there was a falling off under both the heads of reported crimes and persons.

15. The Deputy Commissioner of Ramree, offers no remarks on the increase and decrease of crimes in his district, but simply states :—

"There were 218 persons brought to trial on Non-
"bailable, and 736 persons on Bailable offences, to-
"tal 954 persons brought to trial during the year."

Sandoway district

16. In this district the number of crimes reported was 244 against 336 in 1869; the number of

persons brought to trial was 442 against 526 in the previous year: the decrease under the head of crimes and persons, being 92 and 84, or 37 and 19 per cent. This is very satisfactory. In heinous offences the number of reported crimes fell considerably; whereas under the number of persons brought to trial there was an increase.

With the exception of culpable homicide there was a decrease under all heads of crime; under murder and grievous hurt, the number was about the same; but under all other heads, *viz.* dacoity, robbery, house-breaking and dishonestly receiving stolen property, there was a disproportionately large falling off as to aggregate numbers both in crimes and persons; under theft, the number of reported crimes fell considerably, but the number of persons brought to trial was larger than in the previous year.

17. The Deputy Commissioner of Sandoway, says as follows —

"The number of criminal cases in 1870 was 64 "Non-bailable and 166 Bailable, and 14 for breach "of local laws, against 49, 198, and 31 respective- "ly in 1869; the number is so small, that it is im- "possible to account for the variation between the "two years."

He also says as follows:—

"There were two cases of murder and two of cul- "pable homicide, against two of murder in 1869. "Thefts were 51 cases involving 70 persons, against "38 cases involving 56 persons in 1869. Robberies "fell from 2 cases to one; receiving stolen property "from 5 to 3. There have been no cases of dacoity. "The increase in theft cannot well be accounted for, "as the total number of cases is so very small in "proportion to the population; the decrease in 1869 "and 1868 was still more considerable. The very "small amount of crime, must I think be considered "satisfactory."

The Deputy Commissioner further speaks on the prevalence of some of the crimes as follows —

"The amount of crime being fortunately very "small there is not much to remark. Gambling is "very prevalent, but it always has been so, the "same with the opium. It would be highly advisa- "ble to allow the Extra Assistant Commissioners "to issue warrants for the apprehension of gamblers "in their own stations, it not being seemly that "hells can be established next door to their courts "with impunity; beyond this, I would not go, as "the interference of the Police in gambling in the "jungle villages use to lead to great oppression. "Most of the violent crime, is the result of drunken- "ness. One case of murder resulting from it in the "year, and two persons from the same cause losing "their lives in affrays. There is little hope of "checking this, as the Khyin villages are scattered "all over the district, and like the other hill tribes "distillation is universal amongst them; and the "other inhabitants not only procure liquor from "them, but follow their example and distil toddy "themselves, as two or three earthen pots only are "required for the purpose; it is almost impossible "to make seizures, the pots being broken at the "first alarm."

North Arakan

18. There were 49 offences reported to have been committed against 51 in the previous year: the number of persons brought to trial was 62 against 88 in the past year.

This is satisfactory as it shews a decrease both under reported crimes and persons brought to trial.

There was also a falling off in the number of heinous offences, but murder; one was reported during the year against none in the previous year: the perpetrators of this crime were not brought to trial during the year.

19. The Superintendent of North Arakan makes the following remarks with regard to crime in his district:—

"The only serious crimes committed were a mur- "der and two cases of wounding. This murder was

" a real crime, and not one of those, the reason for
" which not being known, usually set down to some
" yet undiscovered universal law of nature, which
" requires a certain number of murders to be com-
" mitted in a year, in order to keep up a certain
" average : this murder was committed partly out
" of revenge and partly with a view to defy our Go-
" vernment and strike terror into the hearts of all
" disposed to assist in the suppression of crime. The
" facts are as follows :—A headman of a village
" named Kah-pan, who was ever ready to afford in-
" formation to the Police, was instrumental in the
" apprehension of two villagers concerned in a da-
" coity: when the trial came on, the headman of
" their village, named Thabaw, refused to go into
" Akyab and give evidence, but was compelled to do
" so by the district Magistrate ; the trial resulted in
" a conviction. This appears to have worked upon
" Thabaw, so on his return he got together the re-
" latives of these men with a number of others who
" had feuds of old standing with Kah-pan, concealed
" them near his village, invited Kah-pan to dinner
" and then suddenly binding him with cords threw
" him out for the others to despatch.

" Though none of the murderers have yet been
" accounted for, they are being well hunted, and I
" am happy to say do not receive that support from
" the other Hkamies which they expected.

" One case of wounding was apparently commit-
" ted in a drunken squabble in which a Hkamie cut
" down a hill Arakanese: he was captured on the
" spot and half tried, but escaped, through the care-
" lessness of the Police.

" The other case was thus—a Mro found another
" Mro with his wife under more than suspicious cir-
" cumstances and went to belabour or seize him; but
" the offender used his knife on the outraged husband
" and fled the district.

" The two great difficulties which the Police have
" to encounter are, 1st—the difficulty of apprehend-
" ing an offender ; and 2nd—the difficulty of obtain-

" ing evidence which is withheld from fear of blood " guiltiness.

" I have seen a fear expressed that all crime in this " district does not come to the knowledge of the " authorities, but I have reason to believe that little " if any remains unknown, the report is sure to get " about. Considering the habits of the people it is " wonderful that so few cases of hurt occur through " drink and women

" There is one crime however which occasionally " occurs and which of course is kept very secret I " am informed that if a girl has a child before she " be married, it is exposed, but as it is considered " a good thing to marry a girl great with child, " though by another man, the crime cannot be fre- " quent."

This is an interesting subject of which neither Mr. St. John, nor myself will lose sight

" Cattle stealing, if committed, is seldom detected, " as the theft is perpetrated in the Akyab district " and the owners hardly like to follow, and no doubt " cases are sometimes attributed to the hill men " which should not be."

Statement No

20. The number of persons under trial including those pending at the close of 1869, and persons whose cases were disposed of and pending at the close of the year of report, and the average duration of each case is shewn in the following table :—

Districts.		Under trial	Disposed of				Pending	Average duration of each case
			Convicted and committed.	Acquitted	Discharged without trial	Tried, escaped, &c		
Akyab district	1870	2 393	1 057	753	568	1	14	4 days.
	1869	1 974	1 242	505	206	6	15	6 ,,
Akyab town	1870	980	679	28	275			5 ,,
	1869	917	628	260	20	1	2	3 ,,
Ramree district	1870	954	448	169	32	1	4	3 ,,
	1869	944	736	169	37		2	2 ,,
Sandoway district	1870	442	275	152	15			2 ,,
	1869	520	314	164	48			3 ,,
North Arakan	1870	62	42	11	8	1		6 ,,
	1869	88	68	17	7		1	2 ,,
Total	1870	4 833	2 801	1,113	898	3	18	3 ,,
	1869	4 449	2,988	1,121	318	7	20	4 ,,

21. The above shews that there were the cases of 4,833 persons for trial in the division during the year against 4,449 in the previous year, shewing an increase of 384 persons, or 8 per cent. Of this, the cases of all but 18 persons were disposed of within the year, against 20 in the previous year.

The average duration of each trial was 3 days during the year of report, against 4 days in the previous year.

22. Of the persons whose cases were disposed of, the cases of 9 persons were disposed of by the Gaol Magistrate against 25 in 1869 ; 3,198 persons were tried by the local and subordinate paid Magistrates, against 2,891 in 1869 ; 31 persons were tried by the full power Magistrates against 47 in 1869 ; and the cases of 1,577 were disposed of by the district Magistrates against 1,466 in 1869. Of these persons 3,165, or 65 per cent were tried by European Magistrates, and 1,650, or 35 per cent by Native agency.

23. The average duration of each case tried by the unpaid (or Gaol) Magistrate was 1 day in the year of report which is the same as in the previous year. The average duration for subordinate paid Magistrates was 2 days in both years. The average duration for full power Magistrates was 11 days against 18 days in 1869 ; and the average duration for the chief Magistrates was 5 days against 7 days in the previous year. The average duration of cases disposed of by the subordinate paid Magistrates and the chief Magistrates of the districts is very satisfactory.

24. Of all the persons tried by all the courts in the division, 2,801, or 57 per cent were convicted against 2,983, or 67 per cent in 1869 ; 1,113, or 23 per cent were acquitted against 1,121, or 25 per cent in 1869 ; and 898 persons, or 18 per cent were discharged without trial against 318, or 7 per cent in 1869.

25. The large increase in the number of persons discharged without trial occurred in the courts of the local and subordinate paid Magistrates, as well as in the courts of the chief Magistrates of districts.

In the former courts no less than 606, or 18 per cent were discharged against 281, or only 9 per cent; and in the latter courts no less than 292 persons, or 18 per cent were discharged against only 37, or 2 per cent in 1869.

No explanation has been given of this increase; but discharges are from time to time noticed, and form the subject of reference from this court.

The increase in the number of persons acquitted took place in the courts of the subordinate Magistrates only, being 901, or 28 per cent in the year of report against 646, or 22 per cent in 1869.

Akyab district

26. In this district there were 2,393 persons under trial during the year against 1,974, shewing an increase of 419 persons over the number of the previous year which is equal to 21 per cent.

Of this only 14 persons were awaiting trial at the close of the year against 15 in 1869. The total number tried within the year was 2,379 against 1,959 in the previous year. The average duration of the whole district was 4 days, against 6 days in 1869.

27. Of the total number of persons tried 2,081 were by the local and subordinate paid Magistrates against 1,678 in 1869; 31 by the full power Magistrates against 47 in 1869; and 267 by the district Magistrate against 234 in 1869.

Of the number of persons thus tried, 331, or about 13 per cent were by the European Magistrates, and 2,048, or about 85 per cent by the native Magistrates.

28. The average duration of the subordinate paid Magistrates was 3 days, which was the same as in the previous year.

The average duration for the full power Magistrates was 11 days, against 18 days in 1869; and

the average for the chief Magistrate was 8 days, against 23 days in the previous year.

29. Of the number of persons tried by the several courts of this district, 1,057, or 44 per cent were convicted against 1,242, or 62 per cent in 1869; 753, or 31 per cent were acquitted against 505, or 25 per cent in 1869; and 568, or 23 per cent discharged without trial against 206, or 10 per cent in 1869.

30. The large number of persons discharged without trial, and the large number of acquittals took place chiefly in the courts of the subordinate paid Magistrates by whom no less than 556, or 26 per cent were discharged without trial in the year of report, against only 197, or 11 per cent in 1869, and 627, or 30 per cent were acquitted against 390, or 23 per cent.

In the district court there were only 12 persons, or 4 per cent discharged against 9, or 3 per cent in the past year; and 114, or 45 per cent persons acquitted against 91, or 38 per cent in 1869.

31. The following is extracted from the Deputy Commissioner's report :—

" Of the cases before the courts for disposal 1,133 " in number, 1,128 were disposed of, leaving only 5 " pending at the close of the year.

" It is remarked that the present returns do not " give the above information.

" The above result shows that the criminal courts " energetically met and disposed of the increased " work before them, and the result may be deemed " satisfactory.

" The following are the numbers of cases disposed " of by the various tribunals :—

Subordinate Magistrates 2nd Class	692
Do. do. 1st Class	267
Full power Magistrate	20
District Magistrate	149
Total.....	1,128

" The average duration of criminal trials is :—

Subordinate Magistrates 1st & 2nd Class.....	3 Days
Full power Magistrate	11 „
District Magistrate..... ...	8 „
Total average for the district	4 „

" Compared with 1869 this despatch of cases is " satisfactory :—

Subordinate Magistrates 1st & 2nd Class.....	3 Days
Full power Magistrate	18 „
District Magistrate	23 „

" The average number of days taken to dispose of " cases is greater in the court of the full power " Magistrate than in that of any other court. This " delay was due to the want of energy on the part " of Captain Prendergast, the presiding officer. He " however, was suffering from indisposition, and " under the circumstances the average may not be " considered as excessive.

" The following are the cases disposed of by the " district court, under the extended powers with " which it was vested :—

445 A, without the aid of Assessors.....	3 cases
445 B, with the aid of Assessors	9 „
Total...	12 cases

" There were before the courts for disposal, in " cases of all natives, 2,393 persons, *i. e.* in Non- " bailable cases 347, and in Bailable 2,031, and 15 " pending from last year.

" It is not possible from the returns to show the " per centage of acquittals to convictions in Non- " bailable cases, as distinguished from Bailable ; and " consequently the success or otherwise of the Police " cannot be reviewed. One instance will explain " the above, *viz.* under grevious hurt, sections 325 " and 326 are included under one head ; although " one is Bailable and the other not. By the adop- " tion of the present returns, it appears that the im-

" portant distinction between the two classes of " cases will not be maintained.

" Of the persons before the courts, 23·7 per cent " were discharged without trial; 31·4 per cent were " acquitted; and 43 per cent were convicted.

" There were only 14 persons awaiting trial at " the close of the year.

" The longest time that any of the 14 defendants " was under trial at the close of the year, was one " month and 15 days."

Akyab town.

32. There were the cases of 982 persons for trial during the year against those of 917 in 1869, shewing an increase of 65 persons, or 7 per cent.

The whole of this number was disposed of during the year against 2 pending in 1869.

The average duration of each case was the same, being 3 days in both years.

33. Of the number tried, 9 were by the unpaid, or Gaol Magistrate against 25 in 1869; and 973 were by the chief Magistrate of the town against 890 in 1869.

The whole of these were tried by the European Magistrates.

34. The average duration of each case tried by the unpaid Magistrate was the same, being 1 day in both years.

The average duration of those of the chief Magistrate of the town was also the same, being 3 days in both years.

35. Of all the persons tried in the Akyab town, 679, or 69 per cent were convicted against 628, or 68 per cent; 28 persons, or only 2 per cent were acquitted against 266, or 29 per cent; but 275 persons, or 28 per cent were discharged without trial against only 20, or 2 per cent in 1869.

36. The Magistrate of Akyab does not account for such a small number of acquittals in the year of report, nor for such an extraordinary increase in the number of discharges without trial.

The number of acquittals speaks well for the increased activity of the Police.

37. The following is extracted from the town Magistrate's report:—

"Of 186 persons tried for Non-bailable offences, "89 persons, or 53 per cent were committed or con- "victed; and of 814 persons charged with Bailable "offences 590, or 73 per cent were committed or "convicted; 79 persons, or 47 per cent were ac- "quitted in Non-bailable offences, and 224, or 27 per "cent acquitted in Bailable offences."

Ramree district

38. There was a slight increase of 10 persons only in the number for trial during the year of report, being 954 against 944 in 1869. Of this number 4 remained pending at the close of the year against 2 in 1869.

The average duration was 3 days against 2 in 1869.

39. Of the number disposed of, 731 were tried by the local and subordinate paid Magistrates against 721 in 1869; and 219 by the chief Magistrate of the district against 221 in 1869. Of this number 219, or 23 per cent were disposed of by the European Magistrate; and 731, or about 77 per cent by Native agency.

40. The average duration of the subordinate Magistrates was the same, being one day in both years. The average duration of the chief Magistrate of the district was 4 days against 3 in 1869.

41 Of the number of persons tried by the several courts in this district, 748, or 78 per cent were convicted against 736, or 77 in 1869; 169 were acquitted against 169 in 1869, both being 17 per cent;

32, or 3 per cent were discharged without trial against 37, which is also 3 per cent.

42. The Deputy Commissioner of Ramree says as follows:—

"The number of criminal cases coming under "judicial cognizance in 1870 was 509, of which 181 "were Non-bailable and 328 Bailable, a decrease of "nearly 1 per cent compared with the number in 1869. "Of these cases, 141 cases were heard and disposed "of by the Magistrate of the district; 155 by a "subordinate Magistrate of the 1st class; and 213 "by three subordinate Magistrates of the 2nd class.

"Of the cases under trial during the year all were "disposed of within the year but 1 case. There "were 218 persons brought to trial on Non-bailable, "and 736 persons on Bailable offences, total 954 "persons brought to trial during the year.

* * * *

"Of persons tried for Non-bailable offences, 83 "per cent were committed or convicted; of persons "charged with Bailable offences, 77 per cent were "committed or convicted."

Sandoway district.

43. There was a falling off of 84, or 19 per cent in the number of persons under trial; the number under trial in the year of report being 442 against 526 in 1869. The whole of this number was tried during the year leaving none pending at its close. The average duration was 2 days against 3 in 1869.

44. Of the number for trial, 348 were tried by the subordinate Magistrates against 427 in 1869; and 94 by the chief Magistrate of the district against 99 in 1869. Of this number 94, or 21 per cent were tried by the European Magistrate; and 348, or 78 per cent by the Native agency.

45. The average duration for the subordinate Magistrate was the same, being one day in both years; and the average duration for the district Magistrate was 3 days against 5 days in 1869.

46. Of the number of persons tried by the several courts of this district, 275, or 62 per cent were convicted against 314, or 59 per cent in 1869; 152, or 34 per cent acquitted against 164, or 31 per cent in 1869; 15, or 3 per cent discharged without trial against 48, or 9 per cent in 1869.

47. The general results in this district call for no remarks. The Deputy Commissioner says:—

"Of 92 persons tried for Non-bailable offences, 54 "were convicted or committed, or 56 per cent against "52 per cent in 1869, a slight improvement; of "Non-bailable cases 331 were tried, of whom 208 "were convicted, or 63 per cent against 405 and "260 convictions in 1869, or 61 per cent, a slight "improvement in the convictions, and a very con- "siderable one in the number of offences. This I "attribute to the cholera, which for several months "kept the people in their villages and prevented "squabbling about trifles. As in 1869 only 71 "persons were tried for Non-bailable offences there "is an increase under this head."

North Arakan

48 The number of persons under trial during the year of report fell from 88 to 62 shewing a decrease of 26, or 41 per cent. The whole of this number was tried during the year leaving none pending at its close against 1 in 1869. The average duration was 6 days against 2 in 1869.

49. Of the 62 persons under trial, 38 were tried by the Assistant Superintendent against 65 in 1869; and 24 by the Superintendent against 23 in 1869.

The average duration for the Assistant Superintendent was 4 days against 2 in 1869: and the average duration for the Superintendent was 8 days against 2 in 1869.

50. Of the number of persons placed under trial 42, or 67 per cent were convicted against 63, or 71 per cent in 1869; 11, or 17 per cent acquitted

against 17, or 19 per cent in 1869 ; and 8, or 12 per cent was discharged without trial against 7, or 8 per cent in 1869.

51. The Superintendent of North Arakan says :—

" The total number of persons brought to trial du- " ring the year was 61,* and the whole were dis- " posed of; of these none† were committed to the " Sessions' Court of Arakan ; 21 were tried by the " Superintendent, and 38 by the Assistant Superin- " tendent. Of the defendants 9 were Hill men, 7 Po- " lice constables, and the remainder were Arakanese ; " 3 Policemen were tried under section 29 of the " Police Act, 1 under section 324 of the Penal " Code, and 3 under section 379 Indian Penal " Code."

52. With regard to the average duration of cases the Superintendent says :—

" The figure shews very badly in comparison with " that of last year ; but if we deduct the 110 days " and give the case its tried figure, the average will " be 3.06. Why this case should have been kept pen- " ding I do not understand, as it was merely one of " petty theft which might have been disposed of by " the Assistant Superintendent."

53. The following is abstracted from the district reports on the detention of witnesses, as the present returns do not furnish this information. Detention of witnesses

" 2,864 witnesses were examined during the year, Akyab district. " being an increase of 144 over last year, when the " total number was 2,720.

" The present returns do not shew the detention " of witnesses ; but from the office records it is " found that the witnesses were examined and dis- " charged as follows :—

---

* 63, Vide Return

† 2 were committed

On 1st day	2,405
„ 2nd „	286
„ 3rd „	93
„ 4th „	35
„ 5th „	17
„ 6th „	3
„ 7th „	4
„ 8th „	21

"The greatest delay in any of the courts, with the "exception of the Ooreetoung East Myooke's court, "is 5 days In that court the witnesses were de- "tained as shewn above under the figures 6, 7, 8. "The presiding officer of that court has been su- "perannuated, and such inexcusable delay will not "be allowed to occur again."

Akyab town

54. The Town Magistrate says :—

"The number of witnesses attended during the "year was 699, out of which 666 were discharged in "one day, 30 in two days, and 3 in three days."

Ramree district

55. The Deputy Commissioner says :—

"Of 2,093* witnesses summoned, 96 per cent were "discharged on the 1st day, 2 per cent on the 2nd "day, and 1 per cent on the 3rd day. The longest "period any witnesses was detained was 5 days."

Sandoway district.

56. The Deputy Commissioner says :—

"819 witnesses were summoned, of whom 805 "were detained for 1 day, 13 for 2 days, and 1 for 3 "days."

North Arakan

57. There were 81 witnesses examined in North Arakan against 128 in 1869. Of these 65 were discharged the 1st day against 72; 12 the 2nd day against 43; and 4 witnesses were detained 4 days against 13 detained 4 days and above in 1869.

Statement No 4

58. The number of persons punished by the total Magistracy of the division is shewn below.—

* 1,093, Vide Return.

District.		Transportation.	Solitary confinement.	Imprisonment.		Fine.		Whipping.	Ordered to find or give security, recognizance and surety.	Total amount of fine (omitting fractions.)	Amount realized (omitting fractions.)	Amount paid by way of compensation (omitting fractions.)
				Rigorous.	Simple.	With imprisonment.	Simple.					
Akyab	1870	5	3	142	5	29	796	11	38	22,472	10,779	1,293
	1869	..	..	129	2	52	1,017	6	15	16,569	11,217	72
Akyab town	1870	..	..	109	4	17	444	11	54	7,906	4,132	83
	1869	..	..	108	9	12	410	21	60	7,689	3,976	159
Ramree	1870	..	..	154	1	26	498	22	30	7,840	4,972	108
	1869	..	..	171	..	12	481	5	49	6,022	5,135	84
Sandoway	1870	..	..	65	1	2	201	1	3	4,084	1,222	52
	1869	..	..	53	1	1	256	1	1	2,568	1,588	39
North Arakan	1870	..	..	4	1	..	34	..	1	340	334	60
	1869	..	..	2	..	0	53	..	..	636	316	..
Total	1870	5	3	474	12	74	1,973	45	126	43,610	21,441	1,600
	1869	..	..	463	12	83	2,217	33	131	33,484	22,232	355

59. The above shows that of the number of persons convicted by the total Magistracy of the division, 5 were sentenced to transportation; 3 to rigorous imprisonment with solitary confinement; 474 to rigorous imprisonment without solitary confinement; 12 to simple imprisonment; 74 persons were fined with imprisonment; 1,973 persons were fined without imprisonment.

60. On comparing these figures with the returns of 1869, it appears that there were no persons sentenced to transportation in that year, and none to rigorous imprisonment with solitary confinement. There was an increase of 12 in the number of persons sentenced to rigorous imprisonment without solitary confinement in the present year. The number sentenced to simple imprisonment was the same; but there is a decrease of 9 persons in the number fined with imprisonment, and of 244 in the number sentenced to simple fine.

61. The increase under the heads of transportation and rigorous imprisonment with or without solitary confinement occurred in the courts of the chief Magistrates of districts and the local and subordinate paid Magistrates; but the decrease under fines with or without imprisonment took place in all the courts but those of the chief district Magistrates.

Akyab district

62. In this district, there were 5 persons transported against none in 1869, and 3 sentenced to solitary confinement against none in 1869. Under the head of imprisonment, rigorous and simple, there was an increase of 16 persons; but under the head of fine, both with and without imprisonment there was a considerable falling off *viz.* of 244 persons.

63. The 5 persons transported and 3 sentenced to solitary confinement were dealt with by the chief Magistrate of the district.

There was an increase of 33 under the head of imprisonment in the courts of the subordinate paid Magistrates; but in the full power Magistrates and the Magistrate of the district's court there was a smaller number of persons, (shewing a decrease of 27) in the year of report.

Under head fine with imprisonment the number in all the courts fell in the year of report *viz.* from 52 to 29; whereas under the head of simple fine, the number in the district court rose from 17 to 30; in the court of the full power Magistrate, from 3 to 10; but in the courts of the subordinate Magistrates the number fell from 997 to 756, being a difference of 241 persons.

Akyab town

64. In this town there were 113 persons sentenced to imprisonment against 117, showing a slight decrease of 4; and 461 persons fined with or without imprisonment against 422 showing an increase of 39.

65. Besides the above there were 36 persons ordered to remove nuisances complained of under section 308 of the Code of Criminal procedure, against 3 only in 1869. This shows that greater attention has been paid to the conservancy of the town.

66. The full power Magistrate sentenced 3 persons to rigorous imprisonment against 9 in 1869, and 3 persons to simple fine against 4 in 1869.

The chief Magistrate of the town sentenced 110 persons to imprisonment against 108; 17 persons to fine with imprisonment against 12; and 441 to simple fine against 406 in 1869, showing an increase under all the heads.

Ramree district.

67. The number of persons sentenced to imprisonment in this district fell from 171 to 155; but the number fined with imprisonment rose from 12 to 26; and the number sentenced to simple fine from 481 to 498.

68. Of this number the subordinate Magistrates sentenced 83 persons to imprisonment which is less by 20 than the number imprisoned by them in 1869; and 471 persons to fine with and without imprisonment against 464.

The chief Magistrate of the district sentenced 72 persons to imprisonment against 68; 12 persons to fine and imprisonment against none in 1869; and 41 to simple fine against 29 in the previous year, showing an increase under all the heads.

Sandoway district

69. The number of persons imprisoned rose from 54 to 66; but the number fined with or without imprisonment fell from 257 to 203.

The subordinate Magistrates of this district sentenced 23 persons to imprisonment against 24, and 186 persons to simple fine against 233.

The chief Magistrate of this district imprisoned 43 persons against 29; and 17 to fine with or without imprisonment against 24 in 1869.

North Arakan

70. In North Arakan there were 5 persons sentenced to imprisonment against 2 in 1869; none sentenced to fine and imprisonment against 6 ; and 34 to simple imprisonment against 53 in 1869.

Of the above, the Assistant Superintendent sentenced 2 persons to imprisonment against 1; and 21 persons to simple fine against 48.

The Superintendent sentenced 3 persons to imprisonment against 1; none to fine and imprisonment against 6; and 13 persons to simple fine against 5 in 1869.

Fine imposed and realized, and compensation paid

71. The total number of persons fined was 2,047 against 2,300 in 1869, and the total amount of fines Rs. 43,610 against 33,484, or an average of Rs. 21 against Rs. 14 on each person fined, shewing that although there was a smaller number of persons fined in the year of report, the amount of fine imposed was much heavier this year than in the year preceding. Of the total amount imposed, Rs. 21,441, or 49 per cent were realized which is a much smaller sum in proportion as compared with the amount realized in 1869 *viz.* Rs. 22,232, or 66 per cent. Of the fines realized Rs. 1,600 were paid as compensation to injured parties under Section 44 of the Code of Criminal Procedure against Rs. 355 in 1869.

72. The increase in the average amount of fines occurred in the districts of Akyab, Ramree and Sandoway, in the last of which the increase is remarkable: the incidence of fine being as 24 to 9 for the two years.

The falling off in the per centage of amount realized took place also in these districts in the last of which it is considerable, this result apparently being a natural consequence of the higher rate of fines.

Akyab district

73. In this district the number of persons punished with fine was smaller in the year of report than in 1869 *viz.* 825 against 1,069 ; the total amount of fines imposed in the year of report was Rs. 22,472, or on an average of Rs. 27 on each person

fined. In 1869 the amount of fines imposed was Rs. 16,569, or on an average of Rs. 15 only on each person fined.

Of the entire amount of fines imposed this year, Rs. 10,779, or 47 per cent were realized against Rs. 11,217, or 67 per cent in the previous year.

Of the fines realized, Rs. 1,298 were paid as compensation to injured parties against Rs. 72 in 1869.

74. The Deputy Commissioner of Akyab makes no remarks with regard to the increase in the average amount of fines imposed, and the falling off in the per centage of amount realized.

75. With regard to compensation paid to injured parties the Deputy Commissioner says :—

"The local subordinate tribunals are rather shy "in making order for compensation though the "advisability of doing so has been pointed out to "them."

Akyab town

76. The total number of persons fined was 461 against 422 in 1869. The total amount of fines imposed was Rs. 7,966 against Rs. 7,689, or at the rate of Rs. 17 against Rs. 18 in the previous year per each person.

Of the fines imposed Rs. 4,132, or 51 per cent was realized against Rs. 3,976, or 51 per cent in 1869 ; Rs. 83 were paid as compensation to injured parties against Rs. 159 in 1869.

Ramree district

77. In this district there were 524 persons fined in the amount of Rs. 7,840, or at the rate of Rs. 14 per each person fined. In 1869, 493 persons were fined in the amount of Rs. 6,022, or at the rate of Rs. 12 per each person fined

Of the amount of fines imposed, Rs. 4,972, or 63 per cent was realized against Rs. 5,135, or 85 per cent in 1869.

78. The Deputy Commissioner of the district says :—

"The cause of the decrease it is not easy to ex-
"plain; but it may be remarked that the people of
"the district generally are very poor."

Yet I have to observe that the decrease follows the higher rate of fine.

Of the fines realized Rs. 106 were paid as compensation against Rs. 84 in 1869

Sandoway district

79. In this district the number of persons fined was 203 in the year of report against 257 in 1869. The total amount of fines imposed was Rs. 4,984 against Rs. 2,568, or an average of Rs. 24 per each person fined against only Rs. 9 in the preceding year.

Of the total amount of fines imposed Rs. 1,222, or 24 per cent were realized against Rs. 1,588, or 61 per cent, a result which might have been expected; but the decrease in the average rate of the fine and the decrease in the per centage realized are not explained by the Deputy Commissioner.

Of the amount realized Rs. 52 were paid as compensation to injured parties against Rs. 39 in the preceding year.

North Arakan

80. In North Arakan 34 persons were fined in the amount of Rs 346, or at an average rate of Rs. 10 on each person fined. In 1869, 59 persons were fined in the sum of Rs. 636, or at an average rate of Rs. 10 per each person fined.

Of the fines imposed Rs. 334, or 96 per cent were realized against Rs. 316, or 49 per cent.

81. The Superintendent says:—

"The sum of Rs. 12-5-6 not realized was due from
"a Policeman who deserted before his pay was
"due."

Of the sum realized, Rs. 60 were paid as compensation against none in 1869.

82. There were 45 persons punished with whipping in the division during the year of report, of whom 13 persons were whipped in addition to other punishment, and 32 in lieu of other punishment. Whipping

In 1869, 33 persons were whipped of whom 11 were in addition to other punishment, and 22 in lieu of other punishment.

Of the number of persons sentenced to this punishment, 3 were flogged by the unpaid Magistrate or the Superintendent of Gaol against 11 in 1869; 9 by the local and subordinate paid Magistrates against none in 1869; and 33 by the chief Magistrates of districts against 22 in 1869.

83. In this district there were in all 11 persons whipped of whom 1 was whipped in addition to other punishment, and 10 in lieu of other punishment; whereas in 1869, there were only 6 persons so dealt with in lieu of other punishment. Akyab district.

Of the number so punished in the year of report 2 were whipped by the local and subordinate Magistrates against none in 1869; and 9 by the chief Magistrate of the district against 6 in 1869.

84. The Deputy Commissioner of Akyab says:—

"11 persons were punished by whipping during "the year, 2 by the 1st class subordinate Magis- "trates and 9 by the district Magistrate; 1 was in "addition to imprisonment on a second conviction, "the rest were on first conviction and by flogging "alone.

"Most subordinate Magistrates are averse to ex- "ercise the power of whipping and especially native "Magistrates.

"The latter from a want of confidence in their "own judgments are afraid that they may do wrong, "and European Magistrates generally consider flog- "ging un-English. The provision is a most useful "one and might be applied with great benefit to "many offenders for whom imprisonment has no "terrors."

Akyab town

85. 11 persons were punished with flogging against 21 in 1869. Of this number 3 were whipped in addition to other punishment against 7, and 8 to simple stripes against 14 in 1869. Of the number of persons so punished 3 were by the unpaid Magistrate or the Superintendent of Gaol against 11 in 1869, and 8 were by the Town Magistrate against 10 in 1869.

The Town Magistrate offers no remarks.

Ramree district

86 In this district there were 22 persons flogged in the year of report against only 5 in 1869. Of this number 9 were sentenced in addition to other punishment against 3 in 1869; and 13 to simple stripes against only 2 in the previous year. Of this number 7 persons were flogged by the subordinate Magistrates against none in 1869, and 15 by the district Magistrate against only 5 in 1869.

87. The district Magistrate of Ramree says:—
"Of 164 persons liable to the punishment of "whipping only 22, or 13 per cent were sentenced to "that punishment, all of these were adults; 13 "were whipped in lieu of other punishment on 1st "conviction; and 9 in addition to other punishment "on 2nd conviction."

This Magistrate as well as the following are *ex-officio* Superintendents of their district Gaols.

Sandoway district

88. Only one person was ordered to be whipped in lieu of other punishment in this district by the chief Magistrate against the same number (with addition to other punishment), in 1869. The 1 person whipped in the year of report was a juvenile offender receiving 24 stripes

North Arakan

89. No person was sentenced to whipping in North Arakan in both years

Persons ordered to find security to keep the peace and to enter into recognizances

90. According to the Magistrates' statements No. 4, it would appear that there were 126 persons ordered to find security in the year of report, of whom 122 were ordered to give surety for good

behaviour, none ordered to keep the peace, and 4 to give recognizances.

In 1869, there were 131 persons ordered to find security, of whom 93 were ordered to give surety for good conduct, 6 to keep the peace, and 32 to enter into recognizances.

91. In this district there were 38 persons ordered to give security against 15 in 1869; all these persons were ordered to find security for good behaviour, while in 1869 only 14 persons were so ordered. Besides these, 2 persons were ordered to enter into recognizances—*vide* Magistrate's return No. 2. Akyab district.

92. The Deputy Commissioner of Akyab makes the following remarks:—

"There is an increase in the year under review of "26 cases and 67 persons brought before the courts. "Of the 86 persons brought before the court only "*43 per cent were directed to find security. The "action of the police at the commencement of the "year was a little reckless; but now they understood "this branch of their duties better.

"Four known bad characters who had escaped con- "victions for offences it may be said through acci- "dent, were directed to find security for good be- "haviour for two years, and in defaults were com- "mitted to Gaol with the sanction of the Court of "Sessions. The bad characters who have hitherto "infested this district are principally Ramree men. "By the establishment of the new township at Myay- "houng it is hoped that a check will be exercised "over them which was heretofore impossible.

"It was reported last year that a re-distribution of "the police force had taken place. Some of the su- "perior officers, who were formerly permanently "stationed at head-quarters, having been moved out "into the interior. This measure will be attended "with the best results in time. During the year a

*, Vide Statement 1

"small detachment from Mem-bya was placed at "Myay-boung, at a point where the Akyab and "Ramree districts meet. A corresponding post in "the Ramree district was placed at a narrow creek "through which boats going from one district to the "other must pass. The result of these measures will "probably be felt more in 1871. Measures are in "contemplation for placing a detachment in the "wild portions of the Myo-houng township, the "favourite resort of bad characters, when a Myo-oke "is placed in charge of Myay-boung as a township, "and sets free the guard now stationed there."

Akyab town

93. Fifty-four persons were ordered to find security in the year of report; while in 1869, 66 persons were so ordered. Of this number 51 persons were so ordered for good behaviour against 29 in 1869; none ordered to keep the peace, while only 3 persons were ordered to enter into recognizances against 32 in 1869.

No remarks are offered by the Town Magistrate.

Ramree district

94. Thirty persons were ordered to give security against 49 in the previous year. The whole of this number was ordered to give security for good conduct against 49 in 1869.

95. The Deputy Commissioner of Ramree says:— "There were also no cases of persons called on to "enter into recognizance to keep the peace. Such "cases are also very rare in this Province; but of "persons called on to give security for good behavi- "our, there were 21 cases against 39 in the previous "year. In most parts of British Burma it is exceed- "ingly easy for any adult male, native of the coun- "try, who enjoys good health to earn an honest live- "lihood. There is therefore far less excuse for the "crimes of thieving in that country than in others "where a man finds it difficult to obtain employment, "be he ever so willing to work. As the wants of the "people of the country are few, and are obtainable "by the exertion of but little labour, they are natur- "ally idle; and some from this natural taste for idle-

"ness only, and others from that taste enhanced by "the use, or rather abuse of opium, will do nothing to "earn an honest livelihood, but live from hand to "mouth by stealing and preying on the good nature "of their friends and relatives. Such persons it is "necessary to send up to our criminal courts to give "security for their good behaviour, and there is no "doubt that many escape being sent up who ought "to be sent; while there are few cases of people be-"ing sent up on insufficient grounds. It is to be re-"gretted that the law does not allow the courts to "sentence these idle vagabonds to rigorous imprison-"ment; a little hard work would do them a great "deal of good, while the idle life they at present "lead in Gaol is of no good to themselves, or to any "one else."

Sandoway district.

96. There were 3 persons ordered to find security against only 1 in the previous year. All the 3 persons were so ordered for their good behaviour in the year of report.

97. The Deputy Commissioner of Sandoway says:—

"In miscellaneous cases there was one for main-"tenance of wives and children, and two for bad live-"lihood; one of the parties a professional thief had "long given trouble, the other two were itinerant "gamblers. No persons were bound over to keep "the peace."

North Arakan

98. There was only 1 person ordered to enter into recognizance in North Arakan in the year of report.

Sessions cases

99. The number of cases committed to the Court of Sessions, and number of persons tried and pending are shown below.—

Years	Remaining from last year.		Brought to trial during the year.		Total under trial.		Persons whose cases were referred to Chief Court.	Persons convicted.	Persons acquitted.	Casualties.	Pending.		Average duration of each case	Number of witnesses examined.
	Cases.	Persons.	Cases.	Persons	Cases	Persons.					Cases.	Persons.		
1870	1	1	36	58	37	59	13	26	13	1	6	6	81	232
1869 . .	.		18	35	18	35	2	30	2		1	1	55	187

100. Including 1 case and 1 person pending at the end of the previous year, there were in all 37 cases with 59 persons for trial during the year, against 18 cases and 35 persons in 1869, shewing an increase of 19 cases and 24 persons. This was partly owing to the suspension of the special powers of the district Magistrates under Section 445 A, of the Criminal Procedure Code from April to July in the year of report; and partly also to the increase of the crimes of murder in dacoity, and murder in the districts of Akyab and Ramree.

Average duration.

101. Of the number of persons under trial, 31 cases of 53 persons were disposed of during the year at an average duration of 81 days, against 17 cases of 34 persons at an average duration of 55 days in 1869, shewing an increase of 26 days.

This increase in the average time was caused by the long duration of 9 cases which awaited trial from 128 to 294 days; 8 of these were from Ramree and 1 from North Arakan. The cases from Ramree were delayed by the Sessions Judge's inability to go down the coast of Arakan in the south-west monsoon, there being no steamer Government, or Mercantile, or any safe vessels, or even boat available for the purpose. The one case from North Arakan was delayed by the difficulty in getting down the witnesses, all Hill men living in the remotest parts of the district. It should be added that some of the above

cases occurred shortly after the Commissioner's circuit in the fair season of the year was over.

102. Excluding the number of days these 9 cases were pending trial, the average duration of cases was only 39 days, which shows an improvement upon the year 1869, when the average duration was 55 days.

Pending cases.

103. There were 6 cases 6 persons pending trial at the close of the year of report, against only 1 case 1 person at the end of 1869. Of these cases, 4 were pending in the district of Akyab owing to the absence of the Sessions Judge from Akyab on circuit duty to the southern districts, from the middle of November to the middle of February, during which time they were committed; the other 2 cases were pending in the district of Sandoway, one of them from the 17th January, and the other from the 8th August 1870, the Sessions Judge not having been able to reach Sandoway by native boat before the 31st December. All these cases were disposed of early in the beginning of this year (1871).

Witnesses examined.

104. There were 232 witnesses examined by the Sessions Judge in the year of report against 187 in 1869.

Conviction and acquittals

105. Of the number of persons under trial, *viz.* 59, 39, or 66 per cent were convicted against 31, or 91 per cent in 1869; and 13, or 22 per cent were acquitted against 2, or 5 per cent in 1869.

Result of commitments by each Magistrate.

106. The number of persons committed by the several Magistrates of the division, and the results of their trials are shewn below:—

Name and designation of officers.	Number of persons under trial	Convicted.	Acquitted.	Casualties.	Pending
Akyab district.					
W DeCourcy Ireland, Esq., Deputy Commissioner..	22	15	5	1	1
Captain C O L Prendergast, Senior Assistant Commissioner	4	1	..	..	3
W C Midwinter, Esq., Junior Assistant Commissioner	8	3	5	..	
Total ..	34	19	10	1	4
Akyab town.					
Captain C O'L Prendergast, Town Magistrate ..	3	2	1	..	.
Captain W. G. Hughes, Town Magistrate	1	1	..	..	
Total ...	4	3	1	..	
Ramree district.					
J. K Macrae, Esq., Deputy Commissioner	17	15	2	..	.
Total ..	17	15	2	..	.
Sandoway district					
J Treacy, Esq., Deputy Commissioner	2	..	..	..	2
Total ..	2	..	..	..	2
North Arakan.					
Captain A. C. Munro, Offg Superintendent	2	2	..	..	..
Grand Total.. .	59	39	13	1	6

Punishment

107. The number of persons convicted by the Sessions Court were sentenced as follows:—

	1870.	1869.
Death	13	2
Transportation for life	9	3
Transportation for 7 years.....	2	0
Imprisonment for 10 years	9	11
Imprisonment for 7 years	2	10
Imprisonment for 5 years	4	5
Under 5 years.....	0	1
Total	39	32

Fines imposed, &c

108 There were no fines imposed during the year of report by the Sessions Judge of Arakan. In 1869 the amount of fines imposed amounted to Rs. 2,800 for the offences complained of.

Appeals Statement No 5

109. The number of persons who preferred appeals from the orders of the subordinate Magistrates to the chief Magistrates of districts in the division is shewn below:—

District		Number of persons convicted by the Sub-Magistrates	Number of persons appealed	Appeals rejected.	Sentence confirmed	Sentence modified or reversed.	Remanded for further enquiry	Pending
Akyab	1870	890	30	1	7	22	.	.
	1869	1,090	12	1	7	4	..	.
Ramree	1870	561	7	..	5	2	..	.
	1869	567	5	..	4	1	..	.
Sandoway	1870	209	8	3	2	3		.
	1869	257	8	1	3	3	..	1
North Arakan	1870	23		..	..	..	.	.
	1869	49	.	..	..	.	.	..
Total	1870	1,683	45	4	14	27		.
	1869	1,963	25	2	14	8	..	1

110. The present statement does not give the number of cases appealed. Of 1,683 persons convicted by the subordinate Magistrates, 45 persons, or 2 per cent preferred appeals against their orders in the year of report. In 1869, 1,963 persons were convicted by the subordinate courts of whom 25, or only 1 per cent preferred appeals against the sentence of conviction. Of the number appealed, the orders in the cases of 14 persons were confirmed, and about double that number or in the cases of 27 persons reversed.

This is not favourable when compared with the results of the previous year when the orders in the

cases of 14 persons were confirmed, and 8 only reversed.

Akyab district. 111. In this district the results exhibited with regard to appeals from the orders of subordinate Magistrates were very bad, as out of the cases of 30 persons appealed 7 only were confirmed, and no less than 22, or two-thirds reversed.

The result of the past year was much better, as the orders in the appeals of a greater number of persons in proportion were confirmed.

112. The Deputy Commissioner of Akyab says as follows :—

"There were 13 Criminal appeals against the "decisions of the subordinate Magistrates preferred "by 30 persons. The number of appeals in 1869 "was only 6 preferred by 6* persons.

"Last year there was not any subordinate Ma- "gistrate in the district who had powers beyond "those of a subordinate Magistrate of the 2nd class. "In this year the powers were extended some- "what, and an increase of appeals naturally followed "a more extensive adjudication of cases by subordi- "nate courts."

113. No remarks are offered with regard to the great number of appeals in which the orders of the lower courts were reversed or modified. The average duration of appeals is also omitted.

Ramree district. 114. Only 7 persons appealed in this year against 5 in 1869 ; of this number 5 were confirmed and only 2 reversed, nearly the same result as in the previous year when 4 were confirmed, and 1 reversed or modified. The result exhibited in the year of report is creditable to the officers concerned.

115. The Deputy Commissioner of Ramree makes the following remarks :—

* 12 persons—*vide* district Return

"Of 368 cases decided by subordinate Magistrates "6 cases, or 16* per cent were appealed to the Ma- "gistrate of the district. Of these 6 cases were con- "firmed and one was reversed, the result being very "favourable to the lower Courts."

The average duration of appeals was 5 days.

Sandoway district.

116. The number of persons who appealed in the year of report was the same as in 1869, being 8 in both years. Of this number the orders of the lower court in the cases of 2 persons were confirmed and 3 reversed; whereas in 1869, 3 were confirmed and 3 reversed. The result is not favourable..

The Deputy Commissioner makes no remarks under appeals.

The average duration of appeals is not given.

North Arakan.

117. No appeals were preferred from the orders of the Assistant Superintendent in the year of report.

118. The extraordinarily small per centage of appeals against the orders of the subordinate Magistrates cannot fail to attract notice.

It is a common observation that the Arakanese are a very litigious people: they at all events take fine and imprisonment very quietly. The fact is very favourable as a striking instance of the estimation in which the subordinate Magistrates are held by the people, since the Arakanese generally are not more ignorant of the laws or their rights than the proper Burmese.

Appeals in Sessions Court.

119. The number of appeals preferred to the Commissioner of the Arakan division was as follows:—

* Great error in this per centage, it is really between 1 and 2 only

District		Number of persons convicted	Number of appeals for trial.		Cases in which orders were confirmed.	Cases in which reversed or remanded.	Rejected.	Otherwise disposed of.	Submitted to Chief Court.	Pending.
			Cases	Persons.						
Akyab .. .	1870.	139	7	14	6		1	..	.	
	1869	131	20	24	15	2	2	1	..	..
Akyab town .. .	1870	675	33	42	18	7	3	7	3	.
	1869	626	28	32	18	7	1	2	..	..
Ramree	1870	170	3	3	1	1	1	..	..	..
	1869	151	8	9	8	..	..	..	..	..
Sandoway .. .	1870	64	10	17	7	2	..	1	..	..
	1869	55	10	10	8	1	1	..	..	..
North Arakan ..	1870	17	..	..	..	..	..	..	..	..
	1869	12	..	..	..	..	..	..	..	..
Total. ..	1870	1,065	53	76	27	10	5	8	3	..
	1869	975	66	75	49	10	4	3	..	.

120. There were in all 1,065 persons convicted by the full power Magistrates and the chief Magistrates of the districts in the division. Of this number 76 persons, or only 7 per cent preferred appeals to the Commissioner of the division; while in 1869 there were 975 persons convicted, of whom 75 persons, or 7 per cent preferred their appeals.

These 76 persons preferred 53 appeal cases in the year of report; while 75 persons in 1869 preferred 66 appeals, showing a falling off in the number of cases; while the number of persons was about the same.

The 53 cases under trial were all disposed of during the year on an average duration of 13 days, which is nearly the same as in 1869 when the average was 11 days.

In the number disposed of, the orders of the Magistrates in 27 cases were confirmed; in 10 they were reversed or modified, or the cases remanded; and 3 were referred to the Chief Court for revision. The per centage of cases confirmed to number under

trial was equal to 54 per cent against 74 in 1869 ; and of acquittals equal to 18 per cent against 15 in 1869. The result is not so favourable as in the previous year.

The other cases disposed of were 5 rejected, 8 otherwise disposed of, *viz.* 1 struck off the file, one submitted to Chief Court for orders as to the jurisdiction of the Sessions Court to receive appeals in any case tried by an officer invested with special powers, and 6 were returned to parties, the orders appealed against being passed by Magistrates in the exercise of their special powers; and this Court's competency to accept such appeals being at that time doubtful and under reference to the Chief Court.

Akyab district

121. The number of persons convicted by the full power Magistrate and the district Magistrate of Akyab was 139 in the year of report against 131 in 1869, of whom 14 persons preferred appeals against 24 in 1869 which is a good result, 7 appeal cases were preferred during the year against 20 in 1869. Of this number, the orders of the lower court in 6 cases were confirmed, none reversed and 1 rejected. This is a very satisfactory result.

Akyab town.

122. There were 675 persons convicted in the year of report of whom 42 persons appealed. In 1869, 32 persons appealed out of 626 persons convicted. There were 33 appeals preferred during the year against 28 in 1869. The orders in 13 cases were confirmed, 7 reversed or modified, and 3 submitted to the Chief Court for revision; whereas in 1869, 18 were confirmed, 7 reversed and none submitted to the Chief Court for revision. The result is not favourable.

Ramree district

123. Out of 170 persons convicted, only 3 persons preferred appeals, which shows considerable improvement over the result of 1869 when 9 persons appealed out of 151 convicted. Of the 3 cases preferred, one was confirmed, one reversed and one re-

jected; but in 1869 all the 8 appeal cases preferred were confirmed.

Sandoway district

124. Out of 64 persons convicted, 17 persons preferred appeals during the year of report; whereas in 1869, 10 persons preferred appeals out of 55 convicted.

The number of appeals preferred was 10 in both years, of this number the order in 7 appeals were confirmed in the year of report, 2 reversed, and 1 otherwise disposed of. In 1869, 8 were confirmed, 1 reversed and 1 rejected. The result was nearly the same in both years.

North Arakan

125. There were no appeals preferred from the orders of the Superintendent of North Arakan during the year.

126. The names of the officers and the number of appeals preferred from their orders are given below:—

Name and designation of Officers.	Number of appeals preferred.	Number confirmed.	Reversed, modified, or remanded.	Submitted to Chief Court for revision or orders	Rejected.	Otherwise disposed of.
Akyab district						
W DeCourcy Ireland, Esq., Deputy Commissioner	7	6	..	..	1	..
Akyab town						
Captain C. O'I. Prendergast, Magistrate .	32	12	7	3	3	7
Captain W G Hughes, Magistrate .. .	1	1	..	..	..	..
Ramree district						
J. K Macrae, Esq , Deputy Commissioner	3	1	1	..	1	..
Sandoway district						
J Treacy, Esq , Deputy Commissioner .	10	7	2	.	..	1
Total .	53	27	10	3	5	8

Assessors

Statement No 11

127. There were in all 42 cases in which assessors were employed in this division, of which 14 cases were tried in the courts of the district Magistrates

of Akyab district and town under their special powers, and 28 cases in the Sessions Court of the division.

In 1869, no cases were tried by the district Magistrates with the aid of the assessors; but the Court of Sessions tried 18 cases with their aid.

Of the cases tried by the district Magistrates in 11 they concurred with the assessors, but in 3 they differed.

The Sessions Judge concurred with the assessors in 22 cases; in 4 he differed from all, and in 2 partly differed.

128. The Deputy Commissioner of Akyab offers no remarks with regard to the employment of the assessors. Akyab district

129. No remarks made by the town Magistrate. Akyab town

130. There was 1 case instituted in the district of Akyab; 5 cases in the town Magistrate's court; and 16 cases in the district of Ramree; in all 22 cases against 5 in 1869. The figures as to Ramree are remarkable and are connected with a supposed peculiarity of morals in that district which is now under consideration and referred to below. Maintenance of wives and children

131. The Deputy Commissioner of Akyab says:— "There was 1 case during the year. The parties "came to terms and the case was struck off." Akyab district.

132. There were 5 cases in which maintenance was claimed, of which in 1 case only it was awarded. Akyab town.

The town Magistrate makes no remarks.

133. The Deputy Commissioner of Ramree says:— "Claims to maintenance of wives and children de- "creased from 24 in 1869 to 16 in 1870. In 7 cases "only was maintenance awarded." Ramree district

The decrease is I am aware owing to the Deputy Commissioner levying capitation tax on some young men who had lived with young women and deserted

them as is common, before the period when capitation tax is payable treating such young men as married men.

134. There were no cases of this nature reported to be brought on the file in the other districts.

Frivolous and vexatious complaints

135. Frivolous and vexatious complaints rose from 2 cases 2 persons in 1869 to 10 cases 19 persons. Of these 19, 9 were acquitted and 10 convicted. These cases were instituted in the district of Akyab only.

136. The Deputy Commissioner of Akyab has made no remarks. The Deputy Commissioner of Ramree says:—

"The section of the Criminal Procedure Code "providing a punishment for persons bringing false "and frivolous complaints was not resorted to at "all during the year, and yet it is difficult to ima- "gine that no such complaints were preferred to "the courts."

European British subjects

137. During the year no European British subjects are reported to have been tried by the Justices of the Peace in the division under the jurisdiction given in sections 42 and 165 of the Code of Criminal Procedure.

Act XIX of 1850

138. No children are reported to have been convicted by the Magistrates of the division, of petty offences, being bound apprentices under Section 3 of Act XIX of 1850.

Land and water disputes

139. There were no cases reported with regard to disputes relating to the possession or use of land or water during the year of report.

Alphabetical Register

140. With regard to the alphabetical register, the Deputy Commissioner of Akyab says:—

"The alphabetical register of previous convic- "tions has been regularly kept up. The Police de- "partment has been requested to copy this from "time to time and supply information to the outlay- "ing thannahs."

The Deputy Commissioner of Sandoway says:—
"The alphabetical register is kept up."

The other district officers have made no mention of this in their reports.

141. With regard to the bailiffs' security the Deputy Commissioner of Akyab says:— Bailiff's security.

"The security of the bailiff, amounting to Rs. "2,000 was received as usual on the commencement of the year 1871."

The Deputy Commissioner of Ramree says:—

"The security of the nazir is good."

The Superintendent of Hill Tracts says:—

"There is no regular Court bailiff, one of the "writers acts; and if any considerable amount of "property were in his hands security would be "taken."

The other officers have made no mention of this in their reports.

142. With regard to the working of the Stamp Act, the Deputy Commissioner of Akyab says:— Stamp Act.

"Rules under the Court fees Act of 1870, not "having been promulgated, the service of processes "is still carried on by the Police.

"In this district where communication is so diffi- "cult and tardy, service of processes is one of the "most harassing of the Police duties. The new "rules will no doubt tend to relieve them of at "least a portion of this duty.

* * * *

"Petty criminal cases now cognizable by Police "officers have increased; but there are no facts to "show whether such increase can be attributed to "the reduction of the fee on the institution of cri- "minal suits under Section 18 of the Act.

143. The district officers of Ramree, Sandoway, and the Magistrate of Akyab town have made no

remarks on the working of this Act, and there appears to be nothing to me to add I endeavoured to shew its inapplicability in some respects to such a country as Arakan and many other parts of Burma.

In North Arakan the Stamp Act is not in force.

Gambling Act

144. In the matter of the working of the Gambling Act, the Deputy Commissioner of Akyab says :—

"There have been only 7 cases involving 55 persons before the courts under the Gambling Act during the year, of those persons 18 were discharged and 37 convicted. Gambling is not so rife in Akyab as in Pegu. The Arakanese are not so reckless in money matters.

"The Act however might be extended with advantage to some more of the large towns and a proposition to this effect will be submitted."

145. The Superintendent of Hill Tracts makes the following remarks :—

"With the exception of Sections 13, 17, and 18, Act III of 1870 (Gambling Act) does not extend to any places in the district, nor is any such extension at present desirable.

"Fifteen persons were illegally punished by the subordinate Magistrate and have on examination of proceedings been directed to appeal."

146. The officers of the other districts say nothing with regard to the working of this Act which is an omission calling for my notice. There is nothing special to note under this head. Except in the town of Akyab, gaming may be said to be but little practised in Arakan. A very unreasonable stir has often been made about gambling both in Arakan and the other divisions. I believe that generally it is insignificant except in the large towns.

Examination of Records and Registers

147. With regard to the examination of the records and registers, the several district officers make the following remarks :—

The Deputy Commissioner of Akyab says :—

"The criminal record stands were found to have "been infested by white ants and they were re- "moved. The stands could not be replaced in 1870 "owing to the want of funds. The record room "will be put in good order in the year 1871.

"The registers of all the subordinate courts were "examined during the year with the exception of "those at the Naaf. The records of the courts in "the interior were well kept; but the records in the "courts of the Assistant Magistrate at Akyab and "of the Kyailet Myo-oke were anything but in a "satisfactory state.

"The Assistant Magistrate has been directed in "future to initial each entry so as to ensure ac- "curacy."

148. The Deputy Commissioner of Ramree says :—

"The registers and books of the subordinate Ma- "gistrates are all inspected and found to be careful- "ly and neatly kept"

149 The Superintendent of Hill Tract says :—

"The registers have been kept up regularly and "those of the subordinate Magistrate inspected. The "records are carefully kept and there are none for "destruction."

The other district officers have omitted to give this information.

150. The records and registers of the several Deputy Commissioners and Magistrates have been examined by myself with generally satisfactory results. I always find that they will bear a searching inspection, and that the books are neatly kept.

There is occasionally a little confusion in the mode in which correspondence is kept, which has elicited some remarks to district officers this year. And the mode of keeping the records as archives, their safe custody and neat arrangement are all very defective in Arakan, and I believe throughout Burma.

The fact is our pecuniary means have always been very small; our contingent allowances are as inadequate to meet such expenses as proper furniture, &c. as our establishments are numerically too small.

Quarterly examination of cases

151. The Deputy Commissioner of Akyab makes the following remarks with regard to the examination of cases decided by the subordinate Magistrates:—

"The following summing shows the result of the "examinations of the cases of subordinate courts "decided on trial:—

"1. Senior Assistant Magistrate's Court Akyab...Tolerable.
"2. Junior „ „ „ ... „
"3. Naaf Subordinate Magistrate 1st class ...Good.
"4. Akyab „ „ „ ... „
"5. Myo-houng 2nd class Subordinate Magistrate .....Indifferent.
"6. Kuladan „ „ „ ...Very good.
"7. Ooreettoung East.....Fair.
"8. Ooreettoung West .....Good.
"9. Rathaidoung..... Do.
"10. Membya .....Very bad.
"11. Kyailet .....Indifferent."

152. There were two cases submitted to the Chief Court for revision on reference from the Deputy Commissioner of Akyab. The remarks of the Deputy Commissioners of Ramree, Sandoway and North Arakan on this subject are appended with their reports.

Reports of cases examined.

152½. As the order for quarterly examinations of cases in the Courts subordinate to the Sessions' Court have recently been rescinded, it seems unnecessary to lengthen this report by detailing this Court's observations. It is enough to say that the results were most satisfactory and creditable to all Deputy Commissioners.

Yazawoot Goungs.

153. The Deputy Commissioner of Akyab district alone gives a few remarks with regard to the Yazawoot goungs of his district which are as follows:—

"The police goungs have been paid during the "year exclusively from the Chowkeedary portion of "the 5 per cent cess.

"They are 160 in number costing at Rs. 10 per "man each month, Rs. 19,200 a year.

"By orders received from the Financial Depart- "ment, the pay of these men is now debited to the "Chowkeedary portion of the 5 per cent cess which "cannot afford their maintenance.

"A reduction in the number of goungs charge- "able to the cess was recommended in this office "local funds (Judicial) memorandum No. 36, of 13th "January 1870, as follows:—

"Five town goungs recommended to be discontin- "ued as useless; or if be retained to be paid for by "the town of Akyab in which they are employed.

"Five goungs in Hill tracts which should be made "chargeable to (Imperial) as that portion of the "country pays no 5 per cent cess.

"Even with that reduction the funds will not be "sufficient, and further reduction will be necessary.

"This question will be re-considered in the local "funds department."

I concur in the above remarks: in fact the subject has been frequently discussed by myself and all the district officers.

"The conduct of goungs has not been at all satis- "factory during the year.

"Four were convicted of criminal offences connect- "ed with their duties, and were sentenced to impri- "sonment: 5 were dismissed for neglect of their du- "ties, one man absconded to avoid a criminal prose- "cution: and 6 men threw up their appointments.

"As a whole these men are a useful body: but are "difficult of control in outlaying places where they "are to a great extent removed from supervision.

"In criminal report No. 11 of 1870, dated 10th Jan- "uary 1870, the advisability of investing Thoogyees

" with minor criminal powers was strongly urged.

" The reasons for the recommendation are fully " given in that report, and are now quite as cogent " as they then were.

" During the late existence of the Meng-Loung's " gang, Thoogyees were held responsible for the " state of crime in their teiks. It would be juster " to them if they were armed with criminal powers " which would bring their own responsibility."

154. I think there can be no doubt that Thoogyees who are such an influential class of men should have some share and responsibility in the criminal administration of the country. Understanding orders of my own they are obliged to give certain aid to the Police.

Unclaimed property.

155. With regard to the sale or disposal of unclaimed properties, the Deputy Commissioner of Akyab says :—

" Rupees 358-5-6 were realized by sale of unclaim- " ed property which came into the hands of the Po- " lice during the year. This branch of the Police " duties goes on now more regularly than hitherto."

The other district officers have not reported under this head.

Recovery of stolen property

156. With regard to the recovery of stolen property, the district officers make the following remarks :—

The Deputy Commissioner of Akyab says :— " The value of property stolen during the year was " 10,300, of which only Rs. 1,914, or 18 per cent " were recovered. This result is not by any means " satisfactory or creditable to the Police."

The Superintendent of North Arakan says :— " The value of property stolen is Rs. 558, and the " amount said to have been recovered by Police Rs. " 179. This amount does not include women and " children (who are here looked upon as valuable " property) or other property taken in raids."

157. With regard to the working of the Police the several district officers make the following remarks :— Working of the Police

The Deputy Commissioner says :— Akyab district

" Captain Munro, Superintendent of Police, was " in charge of the district during the year."

* * * *

For other remarks generally on the Police of this district, I beg to refer to the Deputy Commissioner's report : otherwise this report may appear unreasonably lengthy.

o o o o

158. The town Magistrate of Akyab says as follows :— Akyab town.

" The working of the Police has been on the whole " satisfactory, and the town Magistrate have had to " notice but few irregularities on their part, the " numerical weakness of the European element in " the town force is however in the opinion of the " town Magistrate a serious defect and must sooner " or later practically prove so.

" The town Magistrate has to acknowledge Captain Munro's cordial co-operation with him in the " criminal administration of the town, and Mr. Inspector Porter has been most energetic in the performance of his work, and with more experience " will no doubt prove a valuable officer."

159. The Deputy Commissioner of Ramree says as follows :— Ramree district.

" The Police appear to have given every satisfaction. There is no Superintendent of Police in " Ramree at present. The Inspector Mr. Porteous " is at head-quarters, and the Deputy Commissioner " is officiating Police officer.

" The Inspector appears to be a very good officer: " he is very attentive to his duties and well up to " his work.

"The strength of the force in this district is very "much less than it ought to be; there is no reserve, "the consequence is those on duty at the treasury "and gaol are never relieved, a bad system to say "the least of it.

"There is one second and one third class Inspec- "tors also. The man at Ramree is a very sharp, "intelligent officer and a man thoroughly up to his "work. Mr. Macrae gave him a very good char- "acter."

Sandoway district.

160. The Deputy Commissioner of Sandoway makes the following remarks:—

"The action of the police on the whole has been "satisfactory. One Inspector and one Head Consta- "ble have been removed for bribery, the chief fault "is the total absence of detective agency, arising "partly from want of practice owing to the small "amount of serious crime."

North Arakan

161. The Superintendent of North Arakan makes the following remarks:—

"The working of the Police has been satisfactory "considering the absence of all local supervision and "the difficulties with which they have to contend. At "the beginning of August the Assistant Superin- "tendent of Police of the Akyab district was sent "to do duty in this district; but he was not regu- "larly posted, and might have been ordered away to "Akyab at any moment. This state of things might "have led to unpleasant correspondence. (Since the "end of the year this has been done at a time when "his services are most required here on the ground "that a band of dacoits was getting troublesome in "the Akyab district.)

"This presence has had a very good effect on the "*morale* both of the Police and people in general. "I have always found the Superintendent of Akyab "willing to do what lay in his power; but the care "of two districts and necessitated residence in Akyab "cannot but detract from that minute superinten-

" dence which is required here even more so than in " a district where the work is carried on strictly in " accordance with Procedure Codes: the number of " cases in which Police were defendants shows bad- " ly, occasional inspection is useless.

" The Assistant Superintendent Mr. J. C. Perreau " is willing; but an officer for the district must also " take a strong interest in the work."

162. I have generally a good opinion of the Akyab district police, and I have personally seen a good deal of their work. Some of the officers of the higher grades are remarkably superior men. It is extremely difficult to get good material for such a *quasi* military body of men, as a majority of the Akyab Police must necessarily be for Hill Tracts service in a district where a good class of Arakanese are not readily to be had; and Chittagong men who are not constitutionally sufficiently daring or energetic, are the chief stock from which constables are drawn. The recent increase of pay however has already done much good.

The Ramree and Sandoway Police are generally good: I should say above the average of the British Burma police.

163. * * * *

164. * * * *

165. * * * *

166. * * * *

REPORT

ON THE

ADMINISTRATION

OF

CRIMINAL JUSTICE,

FOR 1870.

PEGU DIVISION.

---

1. During the year the district of Toungoo has been transferred to the Tenasserim division.

2. The Magistrate and Cantonment Magistrate of Rangoon also have been directed to submit their Annual returns and reports through the Recorder of Rangoon, and not as heretofore through the Commissioner.

3. This division accordingly now consists of five district Magistrates and a divisional Judge only, the work in which will be passed in review, as below.

i.—Provincial Sessions Court.

ii.—District Magistrates with special powers.

iii.—District and other Magistrates with ordinary powers.

iv.—Summary of cases attended with violence and the action of the police in dealing with such.

v.—The means taken to keep those of bad livelihood in check.

vi.—The district police and the aid given by it to the Magistrates.

vii.—Miscellaneous and concluding remarks.

SECTION I

PROVINCIAL SESSIONS COURT.

I. Sessions Trials.

4. The place of the provincial Sessions Judge of the Pegu division has been held during the year by Colonel Ardagh, the Commissioner.

Colonel Ryan (Deputy Commissioner, Amherst district, Tenasserim division) officiated as Commissioner from the 27th to the 31st December, on the occasion of Colonel Ardagh obtaining leave of absence to visit Calcutta; but as charge was taken during the Christmas holidays, no trials were held by the *locum tenens*.

5. The Sessions trials during the year as compared with those of 1869 were as noted below:—

	1869		1870	
	Cases.	Persons.	Cases	Persons.
Remaining under trial from previous year	7	23	6	7
Committed to Sessions during the year	60	92	93	219
Total	67	115	99	226
Disposed of	61	108	94	219
Pending trial	6	7	5	7

6. In explanation of the large apparent increase in the number of committals, it is noticed that owing to the operation of Sections 445 A, B, having been suspended by the Chief Commissioner in April (to July) 1870, several cases, which would have been otherwise tried by the Deputy Commissioners under their special powers, had to be sent before the provincial Sessions. Of these, the retransfer of 16 cases

37 persons was subsequently allowed; so that the number in which the Sessions Court had to exercise its powers was reduced to 77 with 173 prisoners, showing an increase of 17 cases and 82 prisoners over the previous year.

7. The description of cases sent up by the district and other committing Magistrates for trial before the provincial Sessions Court was as follows.—

Class and Description of Offences.	1869.		1870.	
	Cases.	Persons	Cases.	Persons.
Class I.				
Offences against the State, the Public and Justice.				
Coining, &c.	3	4	1	1
Screening offenders from punishment	2	3	..	
Escape from lawful custody	..	..	1	1
Giving false evidence	..	..	3	4
False charge of offence	..	..	1	2
Possession of forged document	.	..	1	2
Class II.				
Offences against the person.				
Murder by dacoits	2	9	5	16
Do. from other motives	28	29	22	33
Culpable Homicide			6	11
Abetment of Suicide	..	..	1	1
Grievous hurt	1	1	1	1
Hurt by dangerous weapons	..	..	1	1
Causing hurt to extort property	..	..	1	3
Kidnapping	1	2	2	3
Bigamy	1	1	..	..
Adultery	..	..	3	3
Rape and attempts	5	5	4	4
Class III.				
Offences against property with violence.				
Dacoity	16	34	16	70
Robbery with hurt			12	37
Robbery in a dwelling house and elsewhere			6	17
Thefts	1	4	.	..
Dishonest misappropriation of property	..	..	3	7
Serious mischief by fire	..	..	3	3
Total.....	60	92	93	219

8. The result of the trials on committals as shown by districts was:—

District	Under trial		Convicted	Acquitted.	Disposed of without trial				Pending
	Cases.	Persons.			Died	Escaped.	Struck off.	Transferred	
Rangoon	22	68	49	18	..	1			.
Bassein	14	26	11	2	.		1	10	2
Myanoung .. .	26	65	25	17	2	1	.	17	3
Promo	22	42	25	7	.			10	.
Thayetmyo ..	11	20	14	4		.	.	.	2
Toungoo	4	5	3	1		1	.		
Total	99	226	127	49	2	3	1	37	7

9. Of the pending cases, one case (1 person) has been kept on the pending file from the date of its admission in March 1870, as the accused was found to be insane. In another case (2 persons) the accused were witnesses in a trial, in which an European British subject of the name of Godfree, was committed to the Court of the Recorder at Rangoon, where they had proceeded to give their evidence, when the Commissioner last held Sessions at Thayetmyo.

The other 3 cases (4 persons) were committed from Myanoung and Bassein after the Commissioner's last Sessions in those districts.

10. The per centage of convictions and acquittals, to the number of persons under trial, as compared with 1869 is thus shown:—

	In 1869.	In 1870.
Convicted	72 17	56 20
Acquitted	19 13	21 68
Disposed of without trial { 1 Deaths, escapes, &c.	2 61	2 65
Disposed of without trial { 2 Transferred		16 37
Pending	6 09	3 10
	100 00	100 00

Were it not for the transferred cases, the proportions this year would have been :—

In Convictions	67 20 per cent.
„ Acquittals	25 92 „
„ Otherwise disposed of	3 18 „
„ Pending	3 70 „
Total	100 00

11. The duration of cases on the file of the Sessions Court was :—

	In 1869.	In 1870.
Number of cases under trial ...	67	 99
Total number of days	2,298	4,244
Average duration in days	34½	...nearly 43

12. The increase in duration has been about 8½ days. But it is noted that during the year Colonel Ardagh was twice in charge of the Chief Commissioner's duties, once as officiating in addition to his other work ; and also had during the absence of the Recorder to Mandalay to look after the current business of that Court.

13. The sentences passed as compared with the previous year were :—

	In 1869.	In 1870.
Capitally sentenced	7	15
Transported for life	29	16
For 7 years and upwards	2	12
Imprisonment above 7 years.....	0	33
Do. for 7 years.....	45	15
Do. above 2 years		28
Do. for 2 years and below		5
Fined	0	2
Nominal	0	1
Total.....	83	127

14. The following is a brief history of each of the cases tried by the Commissioner during the year in which life was lost, or attempted to be taken.

I.—Cases pending from the previous year.

No. 22 *of* 1869, *Toungoo.*—Nga Moung Gyee, charged with murder ; decided 26th February 1870.

This was a case in which the hut of a native of India, at Toungoo, was entered by Burmese who intended to steal. An outcry being raised they ran away; but one of them, finding himself in danger of being captured, cried out for help, when his companion came up, and stabbed one of the pursuers, killing him on the spot, and then running to another, stuck his knife into his abdomen, and disembowelled him, without however wounding him mortally.

The accused was identified and being found guilty was sentenced to transportation for life. Capital sentence not having been pronounced as the wounds were inflicted in the heat of resistance. The sentence was appealed to the Chief Court, but was confirmed.

No. 25 *of* 1869, *Toungoo.*—Nga Shway Hman, and Nga Shway Pyoung, charged with murder—case decided 28th February 1870.

This murder was committed by thieves, in effecting an abstraction of a bundle of cloth goods, belonging to a kulla hawker, who was sleeping by it at night The deceased was cut about the arms and bled to death. The accused Nga Hman made a confession of his complicity, which was credited by the assessors. He was sentenced to transportation for life; but the other accused released for want of evidence.

No. 32 *of* 1869, *Toungoo.*—Nga Phyoo, charged with attempt to murder—case decided 24th February 1870.

In this case, the accused went to the house of his wife, whom he had divorced from suspecting her fidelity. In the course of conversation, the accused suddenly attacked her, and wounded her with a knife so that she was in hospital for 22 days. He was acquitted of the attempt at murder; but found guilty on a minor charge of causing grievous hurt, and sentenced to 5 years rigorous imprisonment.

No. 59 *of* 1869, *Myanoung.*—Nga Leng charged with murder—case decided 4th May 1870.

The accused having found his mother having connection with the deceased in the jungle, (it is said,) slew him. The evidence which was relied on to convict him broke down, and he was acquitted for want of proof.

No. 60 *of* 1869, *Prome, Thayetmyo.*—Mahomed Sheriff charged with murder—case decided 25th April 1870.

This case caused a great deal of local excitement, from the circumstance of the deceased being a Havildar of the native corps stationed at Thayetmyo. The various circumstances proved all tended to bring home the guilt to the accused, who had invited the deceased to dine at his house, had made him drunk and set out with him on his way to the barracks at night. The body was found not far from the accused's house in the jungle, but not until after 3 days search. He was convicted and sentenced capitally; but the Chief Court on the case being laid before it, considered the evidence inconclusive and directed the release of the accused.

15. *II.—Cases of* 1870.

No. 1 *of* 1870, *Prome, Thayetmyo.*—Nga Pha and two others charged with murder in dacoity.

The dacoity in which life was lost, took place in April 1867. The village (Okeshectgon) had been fired by the dacoits and an infant perished in the flames. The accused was found guilty of being one of the party and sentenced to suffer 9 years rigorous imprisonment.

No. 2 *of* 1870, *Myanoung.*—Nga Loon Byay charged with murder and attempt to murder.

The offence was committed in the course of a funeral procession, during a squabble when the accused used his knife. He was found guilty on a minor charge of culpable homicide not amounting to mur-

der, and attempt of the same, and sentenced to suffer transportation for life.

No. 5 *of* 1870 *Myanoung.*—Nga Nay Gyaw and another charged with murder and abetment of murder.

This case was one that rested entirely on circumstantial evidence. All the parties to it were Khyengs, and a dispute arose between accused and deceased about a fine which was claimed by one from the other on account of the wife of the latter having re-united herself to him after divorce without the formal consent of her guardian (the former.) The deceased was put up during the night at the house of accused, the misunderstanding not having been adjusted. His wife was sent away to another house and in the course of the night he was murdered. The circumstances pointing to the accused, he was found guilty; but owing to the unsatisfactory way in which the case was got up, the sentence was one of transportation. This was appealed against, but the appeal was not decided for about a year when the Chief Commissioner considering the proofs insufficient released the accused.

No. 6 *of* 1870, *Prome.*—Nga Kya charged with murder of his wife.

Thirteen years previously he had cut her down with two dah wounds and absconded. The facts were admitted and the accused found guilty on the minor head of culpable homicide. Owing to the lapse of time, he was sentenced to 10 years rigorous imprisonment.

No. 7 *of* 1870.—Nga Mya charged with murder.

The accused died a couple of days after commitment.

No. 9 *of* 1870, *Rangoon.*—Nga Shway Nyo and two others charged with dacoity with murder.

One of the accused was recognized as one of the robbers at a dacoity in which a Chinaman was shot

dead; but it did not appear he was the person who fired the shot. He was sentenced to transportation for life. The other two were discharged.

No. 10 *of* 1870, *Bassein.*—Nga Kway charged with murder.

Accused murdered his wife while he was labouring under a fit of insanity. He was accordingly acquitted, but directed by the Local Government to be kept in confinement until further orders.

No. 11 *of* 1870, *Prome.*—Mee At Tsee charged with murder

She killed her husband (an old man) while insane. A similar order was passed in her case.

No. 12 *of* 1870, *Bassein.*—Nga Shway Yan charged with murder.

This case is pending owing to the insanity of the accused.

No. 13 *of* 1870, *Rangoon.*—The crime was committed in a drunken squabble at a pway, when the accused used his knife while rolling about with some others and struggling on the floor. He then ran away, and was not arrested for 2 years. He was transported for life.

No. 14 *of* 1870, *Bassein.*—Nga Kan Baw charged with murder.

Some stolen htameings were traced to the accused who expressed himself vindictively towards deceased. The deceased had his throat cut at night while asleep, and was recognized as he ran down out of the house. He was capitally sentenced and executed.

No. 15 *of* 1870, *Prome, Thayetmyo.*—Nga Pathein Gyee charged with murder.

The murder committed was of a resident within the frontier who had been robbed of some bullocks by subjects of His Majesty the King of Upper Burma. On his going in search of them, he was set

upon and shot, and then regularly executed by being shot to death, the accused being the person who fired at and killed him while he was down. He was capitally sentenced and executed.

No. 16 *of* 1870, *Prome.*—Nga Kyoo charged with murder.

The deceased had an assignation with the wife of the accused, who finding him at the place, hacked him down with his dah. Sentence—Transportation for life.

No. 18 *of* 1870, *Thayetmyo.*—Nga Shway Hpoung and two others charged with culpable homicide.

This was a curious case, and arose out of a tattooer making some young fellows in a village believe that if they were tattooed by him in a peculiar way, ropes would not hold them. The test was to be shoved into the nulla, whence they were to rise free of the ropes. Several underwent the ordeal. Deceased took his turn, but never came up until he was dragged out dead. The accused who took an active part in the horse-play were acquitted.

No. 20 *of* 1870, *Myanoung.*—A case of dacoity.

The peculiarity of this case was that in it, the true dacoits who attacked a man of the name of Underwood, (a Public Works contractor) in January 1869, had the offence brought home to them. Others who had been wrongfully convicted, on the evidence of Underwood and others were thereon reported by the Sessions Judge to the head of the Administration, and their immediate release directed.

No. 23 *of* 1870, *Myanoung.*—Byragyee charged with murder.

This was a case of the murder of one kulla by another. Both were in the employ of the Telegraph department and stationed at a Telegraph tower in the Tharrawaddy Sub-division. The evidence was entirely circumstantial, the two appeared to have quarrelled, when after the murder of the deceased, the accused set fire to the platform of the tower and

went unconcernedly into the nearest village. He was convicted, capitally sentenced and executed.

No. 35 *of* 1870, *Bassein.*—Nga Shway Youk and two others charged with dacoity, also with causing the death of a quick unborn child.

In this dacoity a pregnant woman was beaten and was prematurely confined of a dead child. Two of the accused got 10 years, and the third 7 years hard labour each.

No. 39 *of* 1870, *Prome.*—Nga Shway Bo charged with murder.

The accused struck the deceased in the course of a quarrel, two blows with a mallet, which killed him. Under the circumstances of the case he was convicted of the minor charge of culpable homicide and sentenced to 10 years transportation.

No. 40 *of* 1870, *Rangoon.*—Nga Pho and three others charged with murder, and abetment of murder.

The deceased, a kulla, was killed at night, after a quarrel with accused who was his stepson. The evidence was insufficient to convict.

No. 50 *of* 1870, *Rangoon.*—A charge of dacoity.

This was a case of double dacoity which the Police did not suffer to drop. There were seven in the gang. Three were sentenced in this case. The others disposed of as below :—

No 73 *of* 1870.

One accused—10 years rigorous imprisonment.

No. 7 *of* 1871.

Two accused—over 10 years rigorous imprisonment.
One Informer—released.

No. 51 *of* 1870, *Rangoon.*—Nga Shway Att, charged with voluntarily causing hurt in attempting to commit robbery.

The prisoner pleaded guilty. He was a known outlaw, and his extradition had been demanded of the Burmese Government; but he escaped on his way

down river. The severest sentence awardable was passed.

No. 54 *of* 1870, *Myanoung district.*—Nga Shway Tha charged with murder.

In this case the accused who was plunged into a fury of jealousy at seeing the deceased going to converse with his wife, with whom he had a quarrel, which he was endeavouring to have made up, rushed after him and stabbed him to death. He was not capitally sentenced, as it was shown in the course of the trial that he was doing all he could to settle the case amicably, and there was room to suppose that something had occurred between the accused and deceased in the jungle, which threw the former into a rage. He was transported for life.

No. 60 *of* 1870.—Nga Kyouk Rhay and Nga Tso Galay charged with murder.

This was a case of stabbing by thieves at night, one of the thieves being also mortally wounded by the people of the house. The accused were acquitted.

No. 61 *of* 1870, *Prome.*—Nga Khyo and five others charged with murder in dacoity.

This was a very treacherous case which was fully brought home to the culprits, five of whom pleaded guilty. A trading boat coming down from Prome to Rangoon, moored off Shway-doung, where a chance passenger gave information, which induced the accused to plot and carry out the dacoity. They killed three people who were in the boat and helped themselves to the plunder. The Police showed considerable skill in the way in which the case was handled and prepared, and part of the property recovered. All the accused were convicted and capitally sentenced.

No. 74 *of* 1870, *Rangoon.*—La Nyee and others charged with dacoity.

This robbery was one which occurred in the heart of the town of Pegu. The dacoits went up to Toungoo, where they excited suspicion by trying to sell some gold. A lot of property was found and identi-

fied. The accused were convicted and sentenced each to 10 years rigorous imprisonment.

No. 76 *of* 1870, *Thayetmyo.*—Nga Tha Goung charged with abetment of suicide.

The deceased was accused's wife. The parents regarded the accused as a bad character and thief. She took poison, which the accused admitted having got for her under an argument that each should partake of it, and commit suicide. Deceased died. He was sentenced to 10 years rigorous imprisonment.

No. 79 *of* 1870, *Rangoon.*—Nga Kha and another charged with murder.

The deceased was a man who endeavoured to extort money by threatening to charge the accused with bestiality with a bitch. After an endeavour to settle the case, they set on deceased and killed him. The circumstances shown appeared to warrant a sentence of capital punishment, which the Chief Court however commuted to transportation for life.

No. 81 *of* 1870, *Prome.*—Nga Kyoo charged with murder.

The accused suspecting his wife of infidelity set on her and stabbed her mortally near a Phongyee kyoung; a plea of temporary insanity was put in; but the evidence was insufficient to allow of this being acted on. He was capitally sentenced and executed.

No. 82 *of* 1870, *Bassein.*—Nga Nay Doon and others charged with culpable homicide.

The homicide was the result of a free fight in the village, in which chance blows were struck Limited periods of imprisonment and fine were ordered.

No. 84 *of* 1870, *Bassein.*—Ramasawmy charged with murder.

The accused was a Madrassee. He kept a Karen woman as his concubine. They quarrelled, and she went to live with a friend of hers. The accused fortifying himself with brandy, took a knife, and going to the house killed her. He was capitally convicted

No. 85 *of* 1870, *Myanoung.*—Nga Tsan Ya charged with murder.

The accused having a quarrel with another took a log of wood out of a fuel stack and flung it, intending to hit the person he was quarrelling with. It hit the deceased who died from the blow. The accused was convicted on the minor charge of culpable homicide, and sentenced to 4 years rigorous imprisonment.

No. 86 *of* 1870, *Prome.*—Nga Tha Moung charged with murder.

Another case of a wife being killed by her husband after separation. He went to his wife's house, and after some conversation, killed her in a brutal way. He was sentenced to be hanged.

No. 87 *of* 1870, *Rangoon.*—Nga Tso Bon and three others charged with murder.

The accused out of revenge beat the deceased for giving information to the Police regarding a theft. the deceased had an enlarged spleen and died. Although the accused behaved in a cruel manner in tying the deceased up, and beating him; and when he was dead tried to conceal what they had done by throwing the body into a well, the case was regarded as more properly one of culpable homicide for which sentences of 10 and 8 years rigorous imprisonment were awarded.

No. 89 *of* 1870, *Prome.*—Nga Tha Khyo and two others charged with dacoity with murder.

The case occurred 3 years ago when two people belonging to the house that was attacked were wounded and died. The accused were shown to be of the party. They were transported for life.

No. 90 *of* 1870, *Thayetmyo.*—Nga Khoin charged with dacoity with murder.

The dacoity was one in which the house people resisted; three of them were wounded, of whom one died The accused also was so severely cut about

his legs that he was found afterwards lying in this state in the jungle. He made a full confession and pleaded guilty. A mitigated sentence of 10 years was passed in his case.

No. 91 *of* 1870, *Myanoung.*—Nga Paw and three others charged with murder.

The crime was committed in a Phoongyee kyoung where the accused went to rob. The Phoongyee was stabbed by Nga Paw. He was capitally sentenced. The others got 10 years rigorous imprisonment each.

No. 94 *of* 1870, *Rangoon.*—Nga Moung charged with murder.

Accused was charged with killing a woman whom he wanted to marry, but who had refused him. The case was not clearly shewn, and the prisoner was acquitted.

* * * *

16. In the trial of cases in Sessions, the rule introduced by the Chief Commissioner has been observed *viz.*, of noting the points for the assessors consideration first, after whose opinion the presiding Judge records his.

17. This plan, it is observed, was one that some of the Judges of the High Court at Calcutta have recorded their opinion to be irregular.

18. In a recent order of the Officiating Chief Justice Norman however, a different view is taken of the method, which may now be regarded as having the sanction of both the High Court of Calcutta, and the Chief Court of British Burma.

19. Cases still occur in which crime is committed from the facility with which Burmese are allowed to divorce. The woman, who perhaps has for years been a wife, takes the opportunity to form a new connexion. The husband repenting of his hastiness, and still regarding the woman as his wife, steps in with a knife or a chopper dah and settles the mat

ter in the speediest way, by taking the law into his own hands, the victim being most frequently the divorced wife. It is thought that a Divorce law which would allow ample opportunity to the parties for reflection, and re-uniting themselves, would be a boon, both to parents and children; also as noted last year "in the cause of morality."

II Appeals.

20. Appeals as below were disposed of from orders and sentences passed by the district and other full power Magistrates:—

	1869	1870.
Remaining from previous year	0	6
Instituted	97	114
Total	97	120
Decided	87	115
Otherwise disposed of.....	4	3
Pending	6	2

21. These came up from districts and were disposed of in the following manner:—

District	Rejected	Confirmed decision not interfered with.	Modified.	Reversed	Proceeding quashed.	Further enquiry or evidence ordered	Cases transferred to Chief Court	Cases referred for revision to Chief Court.	Pending.	Total
Rangoon	1	12	10	6				1		30
Bassein .. .										
Myanoung .	3	19	4	4					1	31
Prome .	2	35	6	2	1		1	1		48
Thayetmyo .	1	4	2	1					1	9
Toungoo .		2								2
Total	7	72	22	13	1		1	2	2	120

22. It is noticed as a very remarkable circumstance, that during the year 1870, not a single Chi-

minal appeal has been filed from the district of Bassein, and the previous year there were only half a dozen. The Prome district still maintains its reputation for appealing, notwithstanding that the yearly results show that the orders passed by the local Magistrates are generally correct.

23. The case noticed as transferred to the Chief Court was one irregularly filed from the decision of a Magistrate exercising special powers. The cases referred for revision to the Chief Court were :—

(1).—A case in which the Deputy Commissioner of Prome had forfeited a security bond for general good behaviour on conviction of the principal of breach of the Abkaree laws.

(2).—A case of theft in the Deputy Commissioner's Court, Rangoon, in which there were some irregularities.

In the first case the security money escheated was directed to be given back. In the second a new trial was ordered.

24. Of the pending cases, that from Myanoung was filed on the 12th December. By the time the proceedings could be called up and the case heard by my *locum tenens*, (Colonel Ryan,) the period of sentence had expired.

The other one, an Abkaree appeal was kept pending as it was closely connected with prosecutions before the court of Pegu in Sessions, and the Recorder of Rangoon.

25. The proportion which the cases, in which the orders of the Magistrates were maintained, held to those in which they were reversed, or interfered with was :—

In 1869..... 71¼ to 28¾ per cent.
„ 1870..... 68¾ to 31¼ „

26. The number of persons who joined in preferring the above noted appeals was 22, of whom

9	had their	petitions rejected
141	Do.	sentences confirmed
46	Do.	do. modified
16	Do.	do. reversed
1	Do.	case quashed
4	Do.	cases sent up for consideration

by the Chief Court, and the cases of these were still pending. Besides these four persons in one appeal having appealed to the wrong court had their case transferred to the Chief Court.

SECTION II

District Magistrates.

27. The office of district Magistrate was held during the year:—

In Rangoon by Lieut. Colonel H. N. Davies; in Bassein by Captain W. W. Pemberton; in Myanoung Captain W. C. Plant; in Prome Lieut. Colonel Horace Browne to 31st March, and Major W. Munro from 1st April; and in Thayetmyo, Lieut. Colonel Horace Browne from 1st April.

28. The above officers were vested with special powers under Section 445 A, of the Code of Criminal Procedure, and were re-gazetted to the same on the 11th July 1870 (Home Department, Notification No. 46.)

29. These special powers, as the chief of the Administration is aware, are exercised in the following way:—

(1).—In cases triable by the court of Session only; the district Judge sits with assessors, and conducts the trial in all respects as if the same were before the provincial Sessions Judge, the only distinction being that he cannot try capital offences, or sentence in excess of 7 years rigorous imprisonment.

(2).—In other cases, *i. e.* those in which he has jurisdiction as a district Magistrate; the powers are not asserted until the conclusion of the trial (without

assessors) when if he considers the offence proved to merit a severer punishment than he is able, under his normal powers to award, he notes in the sentence that he punishes under his special powers which in these cases also extend to 7 years rigorous imprisonment.

30. The cases thus disposed of by the Deputy Commissioners sitting in district Sessions during the year were .—

District	District Sessions		Disposed of		Otherwise disposed of	
	Cases	Persons	Convicted	Acquitted		
Rangoon		24	11	12	1	
Bassein			31			
Myanoung	41	107	63	44		Only 34 with Assessors. In the other cases the accused pleaded guilty
Prome	25	41	32	9		
Thayetmyo	5	7	7			
Total	71	179	144	65	1	

31. In respect to assessors and the assistance afforded by them, I notice the following remarks made by some of the Deputy Commissioners :—

Captain Pemberton (Bassein) says that "in cases "decided with the aid of Assessors, the latter ap- "pear to have given their decision sensibly and "fairly as a rule ; but with a leaning to reduce the "gravity of the offence." He also notes thus on the procedure. "The present method of requiring "cases to be committed for trial appears however "hardly adopted to the class of cases (dacoity "committed out of lawlessness) usually tried by the "Deputy Commissioner, sitting as a court of Ses- "sions, as it tends to delay the case and harass the "witnesses, a matter of no small moment where the "parties cognizant of circumstances implicating ac- "cused persons, are, from a variety of other causes,

" unwilling to become witnesses against them. It " would also seem," he thinks, " too elaborate a pro- " cedure to have one enquiry made by the Superin- " tendent of Police, and another by a Magistrate " empowered to commit before sending the case up " for trial, all in the same place; though in cases " committed at a distance and enquired into by an " inferior officer of Police the sifting of the evi- " dence before a committing court is undoubtedly " beneficial."

32. Captain Plant (Myanoung) does not evidently believe strongly in assessors. He says "the " qualifications of assessors are hard to state. They " are selected from the principal men of the villages " and towns, and are more or less intellectual. As " a rule they are not fond of bringing a man in " guilty. Perhaps fear of malice hereafter may " cause this."

33. Lieut. Colonel Horace Browne, (Thayetmyo) observes :—

" Assessors as a rule in this district are of little " or no use. The questions they put to the witnes- " ses are seldom pertinent, and the reasons they " give for their opinions are generally absurd. They " look upon attendance in court as a hardship, and " are always anxious to avoid having the dignity of " an assessor thrust upon them."

34. It is believed that similar opinions of the utility of assessors are entertained in the continent of India, and probably the men who are placed on the assessors' list, regard themselves as occupying rather a false position.

35. In capital cases, knowing the probable sentence, they are loath to implicate themselves in any way in being responsible for the death of the culprit, the same also being a matter of conscience with them.

36. In all cases also they know, that whatever way they may give their opinions, such are not only

liable to be, but constantly are, upset by the presiding Judge. It therefore comes to this that they in many cases perform the part of the chorus in the Greek play, and think to reconcile their duty with their inclination by noting the points favourable to the prisoner, and deprecating the implacability of the Judge.

37. All things considered, it is better that it should be even so, than that they should be able to exercise any real control in the final disposal of Criminal cases.

38. Appeals to the chief Magistrate of the district were :—

APPELLANTS.	Rangoon.	Bassein	Myanoung.	Prome	Thayetmyo.	Total.
Total during the year....	65	31	81	60	45	282
Rejected	3	..	20	..	4	27
Confirmed	9	13	47	29	23	121
Reversed, modified or proceeding quashed	53	18	14	20	17	131
Transferred..	..	..	..	2	..	2
Pending	..	..	..	..	1	1

39. Captain Pemberton (Bassein), says, that on the whole the people generally seem to be satisfied with the decisions, which is a comment as it were, on the circumstance already set forth, of there having been no divisional appeals to the Commissioner's Court throughout the whole year.

SECTION III.

District and other Magistrates with Ordinary Powers.

40. The following Assistant Commissioners who were in the division on the 31st December, worked

during the year with powers as noted opposite to their names :—

NAMES.	Grade.	Powers under section 22 Code of Criminal Procedure.	Other powers if any.	District to which attached.	For what period in division.	REMARKS.
Capt. Forbes	Offg. 1st	Full.	..	Myanoung..	Throughout the year.	Tharrawaddy sub-division.
Mr. Hind	,, 2nd	Do.	Sec $\frac{66}{13}$	Prome.	Do	At Deputy Commissioner's head-quarters and in charge Gaol.
Mr. Clifford Lloyd	,, 2nd	Do.	Do.	Rangoon. .	Do.	At Deputy Commissioner's head-quarters, Dalla sub-division.
Capt. Gower.....	,, 2nd	Do.	Sec. 38	Rangoon. ..	Do	Chiefly employed in Treasury and Stamp duties.
Lieut. Poole.....	3rd	Do.	Do.	Myanoung.	Do.	Myanoung sub-division.
Mr. R Perreau ..	3rd	Sub-Magistrate 1st Class	Do.	Bassein... .	Do.	At Deputy Commissioner's head-quarters.
Lieut. Alexander..	Offg. 3rd	Do 2nd Class.	Do.	Thayetmyo	Do.	At Deputy Commissioner's head quarters and in charge of Gaol.
Mr. A. C. Man....	,, 3rd	Do.	Do.	Prome and Myanoung.	Do.	At Deputy Commissioner s head quarters, Henzada.
Lieut. Baynes....	,, 3rd	Do. 1st Class	Do.	Bassein. ..	Do.	Nga-thain-ghyoung sub-division.

41. The stations where the Assistant Commissioners are generally located are :—

Rangoon.—One at Deputy Commissioner's head-quarters in charge of Dalla sub-division and for Judicial duties.

One at Deputy Commissioner's head-quarters for general work, including treasury, stamps, &c.

One at Yandoon in charge of Yandoon sub-division.

Bassein.—One at Deputy Commissioner's head-quarters for Judicial and other duties.

One at Nga-thain-ghyoung in charge of sub-division.

Myanoung.—One at Deputy Commissioner's headquarters for Judicial and other duties, also in charge of Lock-up.

One at Myanoung in charge sub-division and Lock-up.

One at Mengyee in charge Tharrawaddy sub-division.

Prome.—One at Deputy Commissioner's headquarters for Judicial and other duties, also in charge of Lock-up.

One at Pounday in charge sub-division.

Thayetmyo.—One at Deputy Commissioner's headquarters for Judicial and other duties, also in charge of Gaol.

42. Owing to the paucity of officers, the sub-division of Yandoon in Rangoon, and Pounday in Prome, have been during a portion of the year deprived of the advantage of having a resident Assistant Commissioner. Mr. Duke, Assistant Commissioner stationed at the former, and Lieutenant Cooke, Assistant Commissioner at the latter town were transferred respectively to the Tenasserim division and the British Burma Secretariat. Mr. Bowdler Bell, Officiating Assistant Commissioner is noticed as having served as such at Henzada until obliged to proceed to Europe on sick leave.

43. Major J. M. Grant was succeeded in the Cantonment Magistracy at Thayetmyo by Captain Prichard who in turn gave place to Captain Dixon. This officer exercised as such, 2nd class subordinate Magistrates powers.

44. The Extra Assistant Commissioners of the 1st class who were serving at the close of this year were :—

First class subordinate Magistrate.

Moung On, Pegu, in Rangoon
Moung Kyaw Doon, Donabyo, in Myanoung
Moung Shway Bya, Bassein.

Second class subordinate Magistrate.

Moung Gyee, Pantanaw, Bassein.

First class subordinate Magistrate.

Moung Kanbaw, Laymyethna, in Bassein.

45. The number of Extra Assistant Commissioners of the 2nd and 3rd classes in employ were :—

	Tseetkays.	Myo-okes.
In Rangoon	0	9
Bassein	0	7
Myanoung	1	8
Prome	1	5
Thayetmyo	1	3

46. Of the above four had 1st class and thirty-one 2nd class subordinate Magistrates powers, and had also power to commit to the sessions.

47. There were several of the older officers of Government pensioned during the year, and their places supplied by others. The selections both for promotion and also fresh appointment have been of late years taken by the Chief Commissioner entirely into his own hands ; and in this respect, I submit, that it would have been more satisfactory if he had previously consulted with the Divisional Commissioners, for several of those who obtained places, have not been altogether such as would have been recommended. Some of them in fact have since behaved in such wise as to require their conduct to be represented to the chief of the Administration.

48. The work performed by the above officers is now noticed. In the comparison of the year 1869 with 1870, it will have to be remembered that the district of Toungoo does not now belong to this division, and that the Town and Cantonment Magistrates of Rangoon submit their reports and returns

to the Recorder and not to the Commissioner as heretofore.

49. The number of persons under trial was:—

YEAR	Pending.	Brought to trial.	Total under trial.	Disposed of				Pending trial.	
				Committed.	Convicted.	Acquitted.	Otherwise disposed of.		
1869	150	28,667	28,817	183	14,598	12,903	809	312	
Deduct as below.									
Rangoon Town Magistrate	43	7,169	7,212	51	3,744	3,248	2	166	
Cantonment Magistrate	..	907	907	2	517	196	191	1	
Toungoo	1	1,118	1,114	6	522	584	1	1	NOTE.—Acquittals and otherwise disposed of added together:— 9,490 10,415 925 Increase.
Total deduct . . .	44	9,189	9,233	59	4,783	4,028	194	168	
Remains of 1869 . .	106	19,478	19,584	124	9,815	8,875	615	144	
1870 . .	144	21,203	21,347	259	10,537	10 371	44	136	
Increase	38	1,725	1,763	135	722	1,496	..	..	
Decrease . . .	..	..	..	..	..	..	571	8	

The column of committals includes those to the district sessions as well as to the provincial Judge.

50. The *ratio* borne by the components of the above to the total under trial as compared with the previous year is:—

	In 1869.	In 1870.
Committed	0·64	1·21
Convicted	50·66	49·36
Acquitted	44·78	48·57
Otherwise disposed of	2·81	0·20
Pending	1·09	0·63
Fractions	0·02	0·03
	100·00	100·00

51. It will thus be seen that the proportion of convictions is about 1⅓rd per cent less than the previous year though including committals it falls short only about 0¾ per cent.

52. The average duration of cases has been five days about what it was in the previous year, that in Rangoon being still nine days to each case.

Colonel Davies, Deputy Commissioner explains:—
"This is a high average and was in some degree
"owing to cases having to be adjourned while the
"Magistrate was out in the district."

In the District court most of the serious cases are defended by counsel who usually summon witnesses for the defence after the prosecution is closed. This necessitates the summoning of witnesses often from long distances for very little benefit (observes Col. Davies) to the accused, but great delay to the decision of the cases, not unfrequently witnesses being named who are "not to be found."

53. In ordinary cases, Colonel Davies took 14 days and in district sessions cases 23 days to decide. This however is an improvement on the previous year when he was new to work, and took as many days as there are in Lent.

54. In Bassein "the average duration of cases
"has decreased from 4 to 3 days in the subordinate
"courts, and from 14 to 4 days in the chief Magis-
"trate's court."

55. In Myanoung "the average was 4 days, ex-
"actly the same as in 1869, and as small (says Cap-
"tain Plant) as could be well expected in so large a
"district," in which observation I perfectly agree with him. In fact my surprise is that it is so small; particularly as I notice that the average duration of cases before the chief Magistrate is still less, even 3 days.

56. In Prome, with an average duration of 5 days, the Deputy Commissioner took 5, the Assis-

tant Commissioners 4, and the Extra Assistant Commissioners 6 days to decide each case.

57. In Thayetmyo also, all the courts have shown promptness in the disposal of criminal work; the Deputy Commissioner taking 5 days, the Assistant Commissioners and Extra Assistant Commissioners about 4 days each.

58. It is considered that the averages declared are satisfactory.

59. Of the witnesses summoned in the courts of the district and other Magisterial courts *viz:* 28,739 in number, there were 3,128 in Rangoon, of whom only 54 were detained more than 3 days. In Bassein there were 5,516 witnesses. In Myanoung 8,767 : Captain Plant states that the longest detention of any witness was 9 to 15 days, and the cause for that detention was the removal of the district head-quarters to Henzada, before the furniture, records &c., could be put up in their places.

60. In Prome no witness was detained by the Deputy Commissioner more than 3 days, and the great bulk of witnesses was examined the first day of their attendance in court as was the case in the other courts of the district, except that of the Assistant Commissioner of Prome, Mr. Hind, where the witnesses were detained longer than desirable. Out of 9,197 witnesses in this district, only 233 were kept longer than 3 days.

61. In Thayetmyo only 40 witnesses out of 2,131 summoned were kept beyond 3 days, and 1,995 were dispensed with on the day of their arrival.

62. The above I regard as satisfactory, and it is very necessary that witnesses should not be too harassed by being detained, otherwise the natural consequence will be found to be that crime will be concealed as much as it can safely be, so as the witnesses may escape the misfortune of being obliged to come in and give evidence.

63. In the award of punishments, the district and subordinate Magistracy sentenced as below :—

	Simple.	In addition to its sentence.
Rigorous imprisonment	2,895	
Transported	3	
Simple	168	
Fine	6,078	567
Whipping	133	25
Surety to keep peace	25	
Recognizance	5	
Surety for good behaviour	638	

Neither solitary confinement, nor forfeiture of property appear to have been awarded.

SECTION IV.

SUMMARY OF CASES ATTENDED WITH VIOLENCE, AND THE ACTION OF THE POLICE IN DEALING WITH SUCH.

64. The monthly memoranda of violent crime compiled and circulated to the several district Magistrates show as below :—

RANGOON DISTRICT.

MONTH.	Dacoities.			Robberies.			Total dacoities and robberies.	Murders and culpable homicide.
	With murder.	With wounding.	Simple.	With murder.	With wounding.	Simple.		
January	..	1	4	..	..	5	10	1
February	1	..	5	..	..	1	7	2
March	..	..	2	..	..	3	5	1
April	..	2	5	..	1	2	10	1
May	1	..	1	..	..	1	3	..
June	..	..	..	..	..	1	1	1
July	..	..	1	..	..	..	1	..
August	..	1	..	..	..	2	3	1
September	..	..	..	..	..	1	1	1
October	..	1	..	..	..	..	1	..
November	1	..	..	..	..	1	2	1
December	..	..	2	..	..	1	3	..
Total, Rangoon.	3	5	20	..	1	18	47	9

BASSEIN DISTRICT.

Month	Dacoities.			Robberies.			Total dacoities and robberies	Murders and culpable homicide.
	With murder.	With wounding.	Simple.	With murder.	With wounding.	Simple.		
January	..	1	2	..	..	1	4	..
February	..	..	..	..	..	3	3	..
March	1	..	2	..	..	..	3	..
April	..	..	1	..	..	2	3	..
May	..	..	..	..	..	1	1	..
June	..	..	3	..	..	1	4	..
July	..	1	..	..	..	5	6	..
August	..	..	2	..	..	2	4	1
September	..	..	..	..	..	2	2	1
October	..	..	1	..	..	1	2	3
November	..	..	3	..	1	2	6	2
December	..	1	3	..	..	..	4	..
Total, Bassein....	1	3	17	..	1	20	42	7

MYANOUNG DISTRICT.

January	..	..	1	..	..	..	1	2
February	..	..	1	..	..	..	1	..
March	..	..	2	..	..	1	3	1
April	..	..	3	..	1	2	6	1
May	..	..	..	..	..	2	2	..
June	..	..	..	..	..	1	1	1
July	..	..	..	..	..	..	..	..
August	..	..	..	..	..	2	2	..
September	..	..	..	..	..	..	..	2
October	..	..	..	..	..	..	..	1
November	..	..	..	..	..	..	..	1
December	..	..	1	..	..	1	2	3
Total, Myanoung....	..	..	8	..	1	9	18	12

PROME DISTRICT.

January	..	..	..	..	1	..	3	4	1
February	..	..	..	..	..	..	4	4	2
March	..	..	..	..	2	..	4	6	..
April	..	..	..	..	..	1	..	1	..
May	..	..	..	..	..	1	1	2	2
June	1	..	1	..	1	1	4	7	3
July	..	..	..	..	..	..	1	1	1
August	..	..	..	1	..	1	..	2	..
September	..	..	..	..	..	..	..	..	2
October	..	..	..	..	1	..	..	1	..
November	..	..	..	..	..	..	..	..	..
December	..	..	..	..	..	..	3	3	..
Total, Prome....	1	1	5	..	4	20	31	11	

THAYETMYO DISTRICT

MONTH.	Dacoities			Robberies.			Total dacoities and robberies.	Murders and culpable homicide.
	With murder.	With wounding	Simple.	With murder.	With wounding.	Simple.		
April	..	..	2	..	.	..	2	..
May	.	..	.	.	..	..	..	..
June	..	..	.	..	..	1	1	..
July	.	..	..	.	..	..	..	.
August	..	1	.	.	..	2	3	2
September	1	1	..	.	..	..	2	..
October	..	..	..	1	..	1	2	1
November	..	..	..	1	..	1	2	1
December	..	.	.	..	..	..	..	..
Total, Thayetmyo..	1	2	2	2	..	5	12	4

ABSTRACT.

Rangoon	3	5	20	..	1	18	47	9
Bassein	1	3	17	.	1	20	42	7
Myanoung	.	..	8		1	9	18	12
Prome	1	1	5	.	4	20	31	11
Thayetmyo	1	2	2	2	..	5	12	4
Total ...	6	11	52	2	7	72	150	43

65. Compared with those of the preceding year violent crime shows a decrease :—

DISTRICT.	1869		1870.	
	Dacoities and robberies.	Murders and homicides	Dacoities and robberies.	Murders and homicides.
Rangoon	54	11	47	9
Bassein	30	7	42	7
Myanoung	52	6	18	12
Prome	60	15	31	11
Thayetmyo	..	..	12	4
Total....	196	39	150	43

66. This is most observable in the Myanoung district where dacoities and robberies fell from 52 to 18.

67. In the other districts those crimes are of much too frequent occurrence.

68. Rangoon has improved much since Mr. Doyle, Superintendent of Police, came back to it. Instead of 5 to 10 dacoities and robberies being committed during the month as in January to April, there were during the succeeding months not more than 1 to 3. But during the first month of the year it must be allowed crime was rampant in this district, so much so that I found myself obliged to write to both the Deputy Commissioner and to the Inspector General on the subject.

69. Major Hamilton, at that time officiating as Inspector General said it was "difficult to point out "any special circumstance to which he could attri- "bute with authority the burst of crime that had then "taken place."

The following extract from his letter, I considered it right to communicate to the Deputy Commissioner :—

"I observe that you have drawn the attention of "the Deputy Commissioner to the advisability of "moving about the district. This I have not the "least doubt should have an excellent effect. It is "in this way that we shall derive assistance from "the classes of officials not immediately under Po- "lice control, and through whom we can hope to "get at persons (of bad livelihood, or of bad cha- "racter.)

"The evidence of Police has not been received "against this class when unsupported, and to sup- "port it, villagers have to be brought in from their "houses, a procedure I need hardly inform you most "obnoxious to the people. Indeed I must confess "that to this dislike to attend our Courts may be "attributed many of our failures. This may not be

"a feeling of recent date, but once established it is "not readily removed.

"* * *" I can only ask you to impress on the "Native Magistracy, and particularly on the Thoo "gyees that for their co-operation we should feel much "obliged."

70. For the first four months of the year the state of the Rangoon district was a constant subject of remark and correspondence with me.

71. Bassein also I am sorry to observe is not at all what should be regarded as a well behaved district. Without any remarkable outburst of crime it has increased its list of offences accompanied by violence from 30 to 42; while a decrease is observable in all the others. It is in strong contrast to the district adjoining it (Myanoung) which, by the united assistance given by Captain Plant, the Deputy Commissioner, and Captain Forbes, Assistant Commissioner of Tharrawaddy, to their energetic Superintendent, Mr. Hildebrand, is comparatively respectable.

72. I now notice what the Deputy Commissioners severally have reported:—

Lieut. Colonel Davies notes:—"The total number "of cases of dacoity and robbery in 1868 was 44. "In 1869 the number rose to 54. In the year of "report, this class of crime which is one of the most "difficult for the Police to cope with, has decreased "to 46."

73. I cannot say that I am at all satisfied with Rangoon district, in respect to the violent crime committed. The Deputy Commissioner has the advantage of being assisted by a Superintendent of Police who is perfectly able to do his work, and who is as much a bugbear to the children of Belial in this district as the name of the Black Douglas in former days was to the English children on the borders of Scotland, but still crime although diminished has not so much decreased as to allow me to make any note

of satisfaction, and this notwithstanding that I find it asserted by the Deputy Commissioner in his report that on a review of the above remarks it may be stated generally that crime of violence except murder which the Police cannot control, has shown a marked decrease.

74. In Bassein also where there is shewn an increase of 5 dacoities and 6 robberies, Captain Pemberton says :—"It is difficult to account for the "increase of robbery and dacoity, for the work-"ing of the Police was good in the year before, "and has improved during the past year pro-"portionately, more persons having been brought "to trial during the past year, and more convicted "and committed. In the general character of the "crime too there has been an improvement, none "of these cases having been committed by regular "gangs ; but have been got up on the spur of the "moment by ordinarily peaceful villagers on some "passing boats."

Of the facility with which these dacoities are got up there have been several illustrations, fully bearing out the remarks of the Chief Commissioner that they are often committed from a mere love of adventure.

75. Captain Pemberton further goes on to say that, "during the latter portion of the year, money "has been scarce amongst all classes, and a good "deal of uneasiness felt on account of reports flying "about, attributing to the King of Burma an in-"tention of making war on the English Govern-"ment, both of which tended to excite the bad "characters and thereby increase crime."

76. Captain Plant is as he has a right to be, self-gratulant on the marked decrease of crime in the Myanoung district. He feared that the removal of his head-quarters from Myanoung to Henzada would be the signal for an outburst of crime on the former place, and a heavy dacoity at Kyanghin (within an easy canter of Myanoung) gave some

colour to this apprehension of his. The gang was immediately got hold of by the Police, and the Provincial Sessions Judge being at the time at Myanoung, the dacoits were committed, tried and convicted within 5 days of the commission of the offence, and the strictness of the sentence passed was a sufficient warning to the bad characters to look to themselves before breaking out on an opportunity appearing to offer itself.

77. Assistant Commissioner Captain Forbes' remarks on dacoity, rather resemble those of Captain Pemberton. I extract the following :—" A dacoity, " a robbery, or a good cattle theft was the necessa-" ry test of the manhood of any young man in cer-" tain parts of the Sub-division who aspired to be " thought "fast," or as Burmans have expressed it, " it was not from confirmed criminal propensities; " but only အချင်ချင်း ဂုဏ်ပြိုင်လို့ (like putting one against " the other, in other words " bragging.)" The outturn of the year however shows that these young bloods have not been bragging this last year so much as in the previous.

78. In respect to dacoities Captain Plant notes, " that whilst the number of dacoities reported in " 1870 decreased, the gangs were composed of more " persons, and the Police were more successful in " *tackling*" with them and bringing them to justice." I don't quite assent to Captain Plant's reasoning. The reason of there being more persons placed before his bar for dacoity, was rather because the Superintendent of Police looked up more old cases· *i. e.*, cases that had occurred in former years.

SECTION V.

THE MEANS TAKEN TO KEEP THOSE OF BAD LIVELIHOOD AND CATTLE THIEVES, IN CHECK.

79. The district Magistrates dealt with persons of bad livelihood and vagrants as below during the years 1869 and 1870 :—

District	1869			1870		
	Cases.	Persons	Ordered to find Security	Cases.	Persons.	Ordered to find Security
Rangoon	29	81	47	96	275	141
Bassein	15	48	44	61	132	110
Myanoung	215	344	192	297	420	107
Prome	107	192	128	87	147	89
Thayetmyo				16	20	12

80. The Rangoon Deputy Commissioner, I observe, does not make any particular mention of those of bad livelihood in his district.

81. The Deputy Commissioner of Bassein in declaring the beneficial effect arising from a number of persons having been placed on security for good behaviour in his district, notes that "it is a pity "that these cases cannot be enquired into by subordinate Magistrates and their proceedings forwarded to the Magistrate of the district, for his "orders—for witnesses, (he points out), cannot be "brought from a long distance in such cases, and "the bad characters are careful to keep themselves "well informed of the movements of the Magistrate "of the district, and move away when he is about to "visit their neighbourhood." He urges that "it "is to be said for the correctness of the procedure "by which subordinate Magistrates enquire into "cases of vagrancy, that Section 295 of the Criminal "Procedure code expressly stating that the Magistrates of full powers can demand security from persons appearing from the evidence adduced before "him to be reputed thieves, the omission of the same "words in Section 296 which applies to vagrancy, "seems to imply that the Legislature contemplates "a less precise procedure in the latter than in the "former case"

82. The report from Myanoung district set forth, that "in the cases of all the men called on

" to give security for their good behaviour, sworn " testimony was recorded, and the fullest means " allowed them of proving themselves proper and " good members of society. The treatment of this " class of persons " says Capt. Plant " is the key-tone " to the suppression of crime in a district. If the " vagrants and bad characters are well watched, " crime must decrease."

83. From the above I observe that while Captain Plant has altered his mode of procedure in dealing with bad livelihood cases, probably on the remarks made by me in last year's report, Captain Pemberton has adopted my observations in their entirety.

84. The offence of gambling is one that is prone to be committed by people of " bad livelihood." The operation of the Gambling Act in the several districts has, I am sorry to find, been rather briefly reported on by the Deputy Commissioners. To make the Act of more force, the authority to issue warrants should not be restricted it is considered, to the Deputy Commissioners as Magistrates of districts; but subordinate Magistrates in charge of divisions of districts, should also be vested with the same powers.

85. Cattle theft also (as a part from other larcenies) is a crime of which the perpetrators may be said to be generally of " bad livelihood."

86. In Rangoon there was an increase of 22 cases, 152 persons were brought to trial of whom 90 were convicted. Colonel Davies says that owing to the advance in the price of cattle, this offence is gaining head, and it is a crime not easy to deal with, for the cultivators allow their buffaloes to graze about the paddy fields, and adjacent jungles, with very little restraint or supervision. In many cases also buffaloes are caught and tied up in the hope of extorting a reward for tracing them.

87. All that the Deputy Commissioner Bassein, reports is that cattle theft and ordinary theft both

shew a slight decrease. The numbers are supplied as below :—

Cattle Thefts.

Cases 18	Persons 25

88. Captain Plant (Deputy Commissioner Myanoung) goes somewhat more into detail. The cattle thefts in his district were :—

	1869.	1870.
Cases reported.....	404	224
Persons brought to trial.....	144	137
Per centage of latter to former.....	35 6	61 7
Per centage of convictions to number of persons brought to trial...	.....	83·9

89. In the Prome district report, I find as follows : "In cattle thefts a very considerable decrease. In "1869, the total number of cattle thefts in Prome "and Thayetmyo was 563, of which 388 belonged "to Prome and 175 to Thayetmyo; while in the "present year the number of cattle thefts have been "only 296 showing a decrease of 92 cases." This, Major Munro considered satisfactory, as in previous years cattle theft had been steadily increasing.

90. In Thayetmyo in 1870 there were 119 cases of cattle theft.

91. Cattle theft indeed is next to dacoity and robbery, regarded by me to be the most serious crime against property that is to be found in Burma at the present day. The statistics show that it is rampant in Prome, Thayetmyo and the north of Myanoung district, and a regular system would appear to obtain by which the thieves, carrying off the cattle to villages at a comparatively safe distance, either exchange them for others, or go through the form of a mock sale, to receivers, who again dispose of them to others, it being generally found that the stolen *beeve* has, in the course of a very few days, passed through several hands before its *locale* has been discovered by its owner. In other cases the animals are concealed until the owner in despair offers from ¼ to ½ of their value to some one, who by repute, he has reason to believe, knows all about

them. The money being paid, the cattle quietly walk back to their pens.

92. The Deputy Commissioner of Myanoung, Captain Plant, who is an officer of stern determination in dealing with cases of cattle theft, awards I observe, an uniform sentence of 2 years rigorous imprisonment; and that cattle thieving consequently is more risky than before, is shown by the diminution in the number of cases in his district.

SECTION VI.

The District Police and the aid given by it to the Magistracy.

93. In Rangoon "the Police" I am very glad to be assured, "have worked harmoniously with the Magistracy."

94. The Superintendent, Mr. P. B. Doyle, who on Major Duval's departure to England, in May 1870, took charge, has I am told "a very efficacious know-"ledge of the district, which has enabled him to "deal with crime very successfully. The Police "also," says Colonel Davies "seem to give him the "preference." He adds:—"It is to be hoped that "the system of informers will not be resorted to as a "practice." It must be remembered however that it is next to impossible for Police to work, except by getting information; but of course informers should not be recognized as a part of the establishment, or an adjunct to it, but information got from all available sources, good as well as bad.

95. Colonel Davies notices that the apathy of the Police at the commencement of the year called for stringent measures, and several severe examples had to be made before discipline was vindicated.

96. The Deputy Commissioner of Bassein commends the present Superintendent, Mr. T. W. Wood, as a very energetic, zealous Police officer, who has

done good work in the past year. Several cases have been, he notices, cleverly detected by officers of interior grade, who received promotion in consequence. A general stimulus, he believes, has been given (by the enhancement of pay to men who shew aptitude in Police work) and the constabulary brought into a greater state of efficiency and discipline.

97. In the Myanoung and Prome reports, the death of the late Major Middleton is mentioned with regret.

98. The acknowledgments of the Deputy Commissioner of the former district are accorded to Mr. A. H. Hildebrand, with whom, he says, there are few officers can compete as a Police man.

It will be found that last year I recorded that this officer was of great value and assistance in keeping down the crime of the district.

99. Mr. McLeod was Superintendent of Police, Prome, for a couple of months, and the Deputy Commissioner says exerted himself to keep down crime in the district.

100. Mr. Olive, who was in charge for nearly four months before his transfer as Officiating Superintendent of Rangoon Gaol, is also mentioned as having taken much interest and as working well.

101. What Lieutenant Colonel Horace Browne records of the Police in his district, Thayetmyo, in fine, may in the case of all the others (except perhaps Rangoon) be taken to represent the sentiments of the other Deputy Commissioners. "The "Police under the able superintendence of Captain "Houghton, Superintendent of Police, have perform-"ed their duty most efficiently during the year.

"Thanks to the increase rate of pay recently "sanctioned the lower members of the force are "generally respectable men; whilst the upper subor "dinate ranks contain some men of great intelli "gence and activity."

102. The district constabulary on the whole appears in the interior of the division, whether from the increase of pay, or from its being well officered and worked, to be gradually obtaining more consideration, as rather a respectable body than before, and this idea has been kept up by the occasional transfer from it to the Judicial department of some officers particularly noticeable for good conduct and ability.

But it as yet partakes of the character of a skeleton force. Captain Plant says :—"It is wonderful "how cheerfully the men as a rule do the work." He has about 1 Policeman to every 1,200 people in the district.

103. In Rangoon, Colonel Davies gives the average as 0·08 Policeman to every 1,000 of the district population, which would be 1 in 1,500.

104. As auxiliary to the regular district Police an establishment is maintained of "Razawootgoungs."

The number of these as recently revised is :—

In Rangoon	78
„ Bassein	99
„ Myanoung	60
„ Prome, „ Thayetmyo	78

105. They are appointed by the Deputy Commissioners who also pay them; but in their selection, as a rule, the Superintendent of Police should be consulted with, as it is with the Police that the greater part of their work has to be performed.

106. I do not find them noticed by the Rangoon Deputy Commissioner: Captain Pemberton (Bassein) writes :—"The Ywa Goungs are a class of men very "useful when they can be supervised; but if not, are "apt to do nothing at all, and several have been "punished and removed during the year for remiss-"ness in duty."

107. In Myanoung the only ill result from the reduction of the establishment, is, that the Kyaydangyee, or head of a hamlet, has a longer journey to go to report crime to his Thoogyee, or Razawootgoung than he had before, and no serious crime has been hushed up by the change.

SECTION VII.

(A.) MISCELLANEOUS.

108. The suicides and accidental deaths during the year have been :—

District	Suicide.	Drowning		By wild beasts	By snakes	Accidents		Otherwise.	Total.	Remarks.
		River or stream	Tank or well.			By fire arms	By fall from tree			
Rangoon										None given
Bassein										
Myanoung	10	30		3	1	21		14	79	
Prome	7	10	6	6	2	1	13	17	62	
Thayetmyo	3	9			1	3	5	6	27	

109. The following Acts came into force in the year 1870 in Burma :—

Act VII and XX. Court fees Act 1870.
" X. The Land acquisition Act 1870.
" XII. The Native passenger Ships Act 1870.
" XVI. The Indian Marine Tax Act 1870.
" XVII. The Indian Customs duties Act 1870.
" XXIII The Indian Coinage Act.
" XXVI. To amend the law relating to Prisons.
" XXVII. To amend the Indian Penal Code.

110. Legislation is desirable.

(1.)—To enable local bye-laws to be legally made for such Municipal towns and other places as they may be required for.

(2.)—For domestic servants registration, &c.

(3.)—To regulate divorces amongst the Burmese of the country, and to prevent divorces from taking final effect for a certain time after the separation of the parties.

(4.)—To regulate and register marriages between the Burmese of the country and people of other nations, and to declare a local law of inheritance for children born of such unions.

(B.)—Concluding Remarks.

111. The Commissioner went on circuit as below during the year.

To Toungoo—15th February, returned 7th March.

To Stations on the Irrawaddy—10th April, returned 10th May.

To Stations on the Irrawaddy—8th July, returned 4th August.

To Bassein—8th October, returned 30th idem.

To Stations on the Irrawaddy—20th November, returned 11th December.

112. The want of a steamer or some other decent conveyance between Rangoon and Bassein is particularly noticed. We have been 18 years in the country now, and there is not a single Government, or subsidized steamer available for constant communication with the latter seaport yet.

113. The Deputy Commissioners' Registers and books were examined during circuit, and such remarks as appeared to be called for made therein.

114. The District officers' reports shew that this duty in regard to their subordinate Magistrates was similarly performed by them.

115. Besides this as directed, the three first cases decided in each quarter were called up and periodically examined.

116. * * * *

117. * * * *

118. * * * *

119 * * * *

120. * * * *

REPORT

ON THE

ADMINISTRATION

OF

CRIMINAL JUSTICE,

FOR 1870.

TENASSERIM DIVISION.

* * * * *

2. The Tenasserim division consists of five districts, *viz.*, Amherst, Shwe-gyen, Tavoy, Mergui, and Toungoo, the last of which was transferred from Pegu to this division from the 1st of April 1870. B 1—Judicial statement.

3. Including the district of Toungoo, the total area of the division is 46,948 square miles with a population of 508,580 souls, exclusive of Maulmain town.

4. During the year under report there were 47 Courts within the division for the adjudication of Criminal cases. This gives an average of 10,820 persons to each court.

5. The tribunals exercising Judicial powers within this division are given in detail below :—

i.—One Commissioner with powers of Court of Sessions under Section 22, of Act XXV of 1861. Appellate jurisdiction in Civil, Criminal and Revenue cases over all Chief Courts of districts, and Magistrates with full powers and Collectors of Customs.

ii.—Five Deputy Commissioners with full Magisterial powers under Section 22, Act XXV of 1861,

as also powers under Section 445 A, of Act VIII of 1869. Appellate Criminal powers over all the subordinate Magistrates in their respective districts.

* * * *

iii.—Three Assistant Commissioners with full Magisterial powers under Section 22, of Act XXV of 1861.

* * * *

iv.—Three Assistant Commissioners with powers of a subordinate Magistrate of the 1st class under Section 22, of Act XXV of 1861.

* * * *

v.—One Deputy Conservator of Forests' Court invested with powers of a subordinate Magistrate of the 2nd class in cases connected with the Forest department only.

vi.—One Cantonment Magistrate at Toungoo exercising the powers of a subordinate Magistrate of the 1st class.

vii. * * * *

B 2—Criminal statement Statement of offences reported and of persons tried convicted and acquitted

6. During the year under review there were 5,350 crimes reported for the whole division. The number for each district is given below:—

	Offences.
Amherst	2,668
Shwe-gyen	1,068
Tavoy	282
Mergui	394
Toungoo	935
Total	5,350

Amherst

7. Two thousand six hundred and sixty-eight offences were reported during the year against 1,760 of the previous year, shewing an increase of 908 cases, or 51·0 per cent. The increase occurred chiefly in the following petty crimes:—

Evading, disobeying, and preventing service of summons.	324	against	45	in 1869.
Public nuisance under Penal Code ...	97	„	1	„
Assault	650	„	217	„
Insult.....	380	„	272	„

Shwe gyen

8. In this district there were 1,068 offences ascertained to have been committed in 1870 against 883 in 1869, thus shewing an increase of 185 cases, or nearly 21 per cent. The increase is chiefly in cases of simple "theft," which have increased by 114, and "insults" by 19 cases: no explanation has been given by the Deputy Commissioner.

Tavoy.

9. The number of offences reported in this district was 282, or a decrease of 73 as compared with the previous year. The decrease is chiefly in the crimes of "theft" and "lurking house trespass," or "house breaking."

Mergui.

10. The return shows 394 cases reported during the year, against 335 of the preceding year. The increase of 59 cases is chiefly in cases under the head of "theft" and "assault." The former increased by 15, the latter by 22 cases. The increase in other petty offences is of no great importance.

Toungoo

11. In this district 935 offences were reported during the year under review. The returns of the previous year were sent to Pegu, so no comparison of crime with that of the previous year can be made.

Class I—Offences against the State, the Public and Justice

12. The total number of offences under the different classes and sub-divisions into which they are divided in the statistical statement is shewn as follows:—

Offences against the State

13. The Deputy Commissioner of Shwe-gyen by mistake has entered an offence under this head against some Zimmay Shans, who had been accused of committing dacoity and of rebellion in Zimmay territory by some Zimmay Chiefs. Several hundreds were slaughtered by the Chiefs at Maygadon, and

the accused men took refuge in our territory. The case has been disposed of by the present Deputy Commissioner, Major Duff, who directed the men to give security under Section 297 of Criminal Procedure Code.

Offences relating to coin, stamps, &c

14. Under this head 2 cases were reported involving 3 persons, of whom 1 was convicted and 2 acquitted.

Offences against Public Justice.

15. Under this heading 462 offences were reported in which 650 persons were brought to trial during the year. Of these 232 were acquitted, 417 convicted, 4 died or escaped, and 7 were pending at the close of the year.

Offences by Public servants.

16. Of offences "by public servants" there were 48 cases. The number brought to trial was 50 persons of whom 11 were acquitted, and 39 were convicted.

False evidence, false complaints and forgery.

17. There were 31 cases reported under this head: in these 42 persons were brought to trial during the year, of whom 18 were acquitted, 20 were convicted, 1 died or escaped, and 3 remained pending at the close of the year.

Public nuisances.

18. In 199 offences under this head 235 persons were brought to trial. Of these 119 persons were punished, and 116 acquitted or discharged.

Offences relating to Public peace.

19. There were 32 cases relating to public peace. The number of persons brought to trial was 126: of these 65 were convicted, and 61 were acquitted.

Class II—Offences against the person

20. The total number of offences reported to have been committed during the year was 2,384. In these 2,653 persons were brought to trial, of whom 909 were convicted, 1,696 acquitted or discharged, 4 died or escaped, and 44 remaining under trial.

Class III—Offences against property with violence

21. Under this head there were 169 cases ascertained to have been committed throughout this division. The number of persons brought to trial was 186: of these 96 persons were acquitted, 75 convicted, and 15 awaiting trial at the close of the year.

Offences against property without violence

22. Under this head without violence there were 1,220 cases involving 1,052 persons, of this number 367 persons were acquitted, 671 convicted, and 14 remained pending for disposal at the close of the year.

Malacious offences

23. 153 offences under this heading were reported during the year The number of persons brought to trial was 373, of these 94 were convicted, 278 acquitted, and only 1 pending trial on the file at the close of the year.

Class IV —Offences not included in the above classes

24. In 176 offences reported during the year 260 persons were brought to trial. Of these 182 were convicted, 77 acquitted, and 1 remained for trial at the close of the year.

Offences against breaches of special laws and local rules

25. In 473 cases reported under local and special laws, there were 980 persons brought up for trial. Of this number 245 persons were acquitted, 724 convicted, and 11 persons remained under trial at the close of the year.

B 3 —Statement shewing general result of criminal trials in the tribunals of various classes.

26. The following statement exhibits the number of persons brought to trial throughout this division (including persons committed to the Sessions Courts) during the year under report, and the result of the proceedings:—

Class of Tribunals	Remaining at end of last year	Brought to trial during the year	Total	Discharged without trial	Acquitted	Convicted	Committed or referred	Died escaped or transferred	Remaining at close of year
33 Local and subordinate paid Magistrates	129	4 837	4,966	644	2 038	2 235		1	48
3 Full power Magistrates		735	735	41	166	455	07		6
5 Chief Magistrates of districts	5	918	923	61	233	540	58	10	21
5 Do with powers under Section 445 A of Act VIII 1809		25	25		5	18			2
1 Sessions Court, Tenasserim Division	8	100	108		11	68		1	28
Total	142	6,015	6,757	746	2 453	3 316	125	12	105

27. The above table will show the amount of criminal work performed by each class of tribunals. The manner in which the cases were disposed of in each district is shown below in detail.

Amherst

28. The total number of persons brought to trial under the new classification of tribunals in this district during the year under report was 2,711, this number exceeds that for the preceding year by 304, or 12 per cent. Of those brought to trial 851 persons were arrested by the Police without warrant, 500 by warrant, and 1,229 on summons, and the rest 131 were persons awaiting trial at the close of the previous year. The number of persons disposed of was 2,676 of whom :—

1,143	or 43	per cent	were	convicted.
1,238	„ 46	„	„	acquitted.
233	„ 9	„	„	discharged without trial.
62	„ 2	„	„	committed.

29. The large per centage of acquittals is chiefly owing to the orders passed in petty cases of assault, insult, public nuisances, &c.

Shwe-gyen

30. There were in this district, 1,477 persons brought to trial, being 152 more than the previous year, of whom 762 arrested by the Police without warrant, 137 by warrant, and 570 on summons, one pending from previous year. Of these persons 1,439 were disposed of; of this number 795, or 55 per cent were convicted, 273, or 19 per cent acquitted, 339, or 22 per cent discharged without trial, and 40, or 2 per cent committed to Sessions Court.

Tavoy.

31. In this district the number of persons arrested by Police was 231 without warrant, by warrant 52, and on summons 261, one person was pending trial from previous year, these give a total of 545 persons for trial against 431 in 1869. Out of 542 persons disposed of, 189, or 35 per cent were acquitted or discharged without trial, 349, or 65 per cent convicted, and 4, or one per cent committed to stand their trial before the Sessions Court.

Mergui

32. In this district of the number 598 brought to trial during 1870, 107, or 17 per cent were dis-

charged without trial, 82, or 13 per cent acquitted, and 408, or 69 per cent convicted and committed, and only 3 persons pending at the close of the year. Of 598 persons brought to trial, 210 were arrested by Police without warrant, and 388 on summons.

33. Including one person pending at the commencement of the year, there were 1,318 persons brought to trial, all of whom were disposed of with the exception of 6 persons who remained pending at the close of the year. The number convicted and committed was 570, or 43 per cent against 665, or 51 per cent acquitted, the number discharged without trial was 70, or 5 per cent. The large per centage of acquittals and discharges without trial is not satisfactory. No explanation has been given in the Deputy Commissioner's report; but from the returns of this district I find that the greatest proportion of acquittals was in petty cases. Toungoo.

34. The return for this Court exhibits a total number of 100 persons committed to Sessions during the year against 21 only in 1869. Including 8 persons brought over from previous year, there were in the aggregate 108 persons against 22 in 1869 for disposal. The number for each district is given below for both years:— Sessions Court.

District.	1869.	1870.	Increase.	Decrease.
Amherst	9	51	43	..
Shwe-gyen	9	36	27	..
Tavoy	2	4	2	..
Mergui	2	3	1	..
Toungoo	..	14	..	..

35. The following shows the nature of offences and the number of persons committed to the Sessions Court during the year of report:—

Murder	15	persons.
Culpable homicide	1	„
Dacoity, &c	44	„
Robbery	5	„
House-breaking	9	„
Voluntarily causing grievous hurt	5	„
Rape, &c	4	„
Kidnapping	3	„
Buying or disposing person as slave	2	„
Harbouring an offender	3	„
Forgery	5	„
Giving false evidence	3	„
Unnatural offences	1	„
Total	100	„

36. The following table shows how they were disposed of, including persons pending at the close of previous year :—

District	Number of persons on trial	Referred to Chief Court	Convicted	Acquitted	Died, &c	Pending
Amherst	51	2	41	6	..	2
Shwe-gyen	36	2	21	5	1	7
Tavoy	4	.	2	.	.	2
Mergui	3	..		.	.	3
Toungoo	14	.	.	.	.	14
Total	108	4	64	11	1	28

37. On the whole the per centage of convictions, including the number referred to the Chief Court for confirmation, to the number disposed of was 85 per cent ; while that of the number acquitted was only 13 per cent.

38. In every case before the Sessions Court the trial was held with the aid of two or more Assessors in the district in which the accused was committed.

There were 28 persons pending at the close of the year, but their cases have since been disposed of. The delay in disposing of the cases at Toungoo, Shwe-gyen, Tavoy and Mergui arose from my being unable to visit these stations till the commencement of this year.

39. The average duration of cases in all classes of tribunals of the several districts was as follows :— Duration of cases.

Subordinate paid Magistrates	5 days
Ditto exercising full power Magistrates	4 „
Chief Magistrates of districts	5 „
Ditto with powers under Section 445 A. of Act VIII of 1869.	10 „

40. The general average of the above courts was 6 days, or 1 day more than in the previous year.

41. The average duration of trials in the Sessions Court of this division excluding pending cases at the close of the year was 37 days against 53, or 16 days less than the preceding year.

42. The number of witnesses in cases before each class of courts in this division during the year under report is given below :— Attendance of witnesses

Subordinate paid Magistrates	4,480 Witnesses
Ditto exercising full power Magistrate	1,765 „
Chief Magistrate of districts	3,509 „
Ditto with powers under Section 445 A. of Act VIII of 1869.	29 „
Sessions Court, Tenasserim Division	171 „

43. The above shows a total number of 9,954 witnesses for the whole division.

44. The number of witnesses who attended the several courts of this district was 3,052 against 3,060 in 1869. The longest detention in 1869 was 8 days, and in the year under review 6 days. Amherst

45. The return for this district shews 2,753 witnesses examined during the year, against 1,964 in 1869. Of 2,753 witnesses, 2,656 were discharged on the 1st day, 85 on the 2nd day, 10 on the 3rd day, and only 2 on the 4th day. Shwe-gyen

Tavoy

46. One thousand and forty witnesses were examined against 1,137 in 1869. Out of 1,040 witnesses 1,012 were examined and discharged on the first day, 23 on the second day, and only 5 on the third day.

Mergui

47. There were 972 witnesses examined against 837 in the previous year. Of this number 236 were discharged the first day against 257, 14 the second day against 22, 13 the third day against 7, and 11 beyond the third day against none in the previous year.

Toungoo

48. In this district the number of witnesses examined was 1,937. Of this number 1,687 were discharged on the first day, 150 on the second day, and 60 on the third day. The remainder were detained for periods varying from 4 to 8 days.

Sessions Court

49. The total number of witnesses examined before the Sessions court of this division was 171 against 163 of the preceding year, none of these witnesses were detained beyond one day.

B 4—Statement shewing the punishments inflicted by various criminal tribunals.

50. This statement shows the number of persons punished by all classes of Criminal tribunals—an abstract of which is given below :—

Class of Tribunals	Persons sentenced to					Persons ordered to find or give surety, &c.	Total.
	Death	Transportation	Imprisonment	Fine	Whipping		
Local and subordinate Magistrates			343	1,889	3		2,235
Full power Magistrates			182	158	2	113	455
Chief Magistrates of districts			217	243	15	71	546
Do with powers under section 445 A Act VIII of 1869			12	.			12
Sessions Court, Tenasserim Division	4	8	56				68
Total	4	8	810	2,290	20	184	3,316

51. Out of 3,248 persons punished in the District courts, 754, or 23 per cent were imprisoned, 2,290, or 70 per cent fined, 20, or nearly 1 per cent whipped, and 184, or 5 per cent ordered to give security.

52. Of the 754 persons imprisoned during the year they were sentenced as follows :—

		Rigorous.	Simple.
Imprisonment not exceeding	15 days.....	111	10
Do. do.	6 months	261	50
Do. do.	2 years ...	77	...
Do. do.	7 „ ...	18	...

53. The amount of fines imposed on 2,290 persons during the year was Rupees 33,573-1-0, of which Rupees 21,411-9-0 was realized, and the amount paid as compensation was Rupees 3,751-14-0.

54. The punishment of whipping was inflicted on 20 persons, thus :—

2	persons	to 30	stripes	and under.
17	„	20	„	„
1	„	10	„	„

55. One hundred and sixty-nine persons were ordered to give "sureties for good behaviour," 4 on "recognizance" and 11 for "surety of the peace."

56. The nature of punishments awarded by the Session Judge on 68 persons sentenced during the year was as follows :— Nature of punishments.

Death.....	4	Persons.
Transportation for life	8	„
Imprisonment not exceeding 6 months	7	„
Do. for 1 to 2 years.....	9	„
Do. „ 3 to 7 „ 38		„
Above 7 years	2	„
Total.....68		

57. Of 4 persons sentenced to capital punishment by the Session Judge and confirmed by the Chief

Court, 2 were executed without the precinct of the Lock-up at Shwe-gyen on the 6th of July 1870, and 2 within the Gaol wall at Maulmain on the 8th August 1870.

B 5.—Statement showing the result of appeal and revision in criminal cases.

58. The table below shews the number of persons, and the result of Appeals in Criminal cases before the District Magistrates and Session Judge of this division for the year under review :—

			Number of persons					
			Number of Appellants.	Appeals rejected.	Sentence confirmed.	Sentence modified.	Sentence reversed.	Appeals pending.
Magistrates of districts	Appeals from subordinate Magistrates of	Amherst	36	2	10	4	20	..
		Shwe-gyen ..	17	1	9	5	2	..
		Tavoy..	16	..	6	1	9	..
		Mergui	3	..	..	1	2	..
		Toungoo	16	1	9	1	5	..
		Total....	88	4	34	12	38	..
Sessions Court.	Appeals from District Magistrates of	Amherst .. .	23	2	17	..	4	..
		Shwe-gyen ..	33	2	13	3	15	..
		Tavoy..	5	..	2	1	2	..
		Mergui	2	..	..	..	2	.
		Toungoo . .	..	..	..	..	..	.
		Total....	63	4	32	4	23	... ..
		Grand Total ...	151	8	66	16	61	..

59. In the District courts there were 88 appellants. Of this number 4 persons were rejected, 34, or 38 per cent confirmed, 12, or 13 per cent modified, 38, or 43 per cent reversed, and none pending at the close of the year.

60. Of the number of appellants in the Sessions court, 32 or 50 per cent were confirmed, 23 or 36 per cent reversed, 4, or 6 per cent modified, and 4 re-

jected There were no Appeals pending at the close of the year.

61. The large proportion in the Amherst district of cases reversed was chiefly owing to the orders passed by Moung Hlaw, the Myooke of Beeloogyoon, being reversed. He had been lately appointed and had little experience as a Judge. Before the Sessions court the largest per centage of judgments reversed is in the Shwe-gyen district, where in the Sittang sub-division the Assistant Commissioner, Mr. Buckle appeared to me to have convicted prisoners on insufficient evidence. They were therefore acquitted.

General remarks on criminal statistics for 1870.

62. In the violent crimes of dacoity and robbery there has during the last year been a marked increase in the districts of Amherst and Shwe-gyen, as compared with cases in the previous year. In 1869 there were only 10 cases of dacoity in Amherst, but 25 in 1870. In robbery there was exactly the same increase, *viz.*, from 10 to 25 cases.

63. In Shwe-gyen there were according to the returns no cases of dacoity in 1869; but in 1870 there were 10 cases, and in this district of robbery there was only 1 case in 1869, but 5 cases in 1870. Thefts in the Amherst district were 516 cases in 1869, and they decreased to 470 in 1870; but in Shwe-gyen they increased from 187 cases in 1869 to 341 cases in 1870. In Tavoy thefts decreased from 97 cases in 1869 to 40 cases in 1870; while in Mergui they increased from 16 cases in 1869 to 31 cases in 1870.

64. Of murders there were exclusive of the Toungoo district 12 cases in this division in 1869, and 6 cases in 1870. These occurred as follows in the different districts of this division:—

	1869.	1870.
	Cases	Cases.
Amherst	5	3
Shwe-gyen	5	1
Tavoy	1	1
Mergui	1	1
Total	12	6

65. In Shwe-gyen district there was a large increase of cattle theft in 1870 as compared with 1869. There were 40 cases in the former year, and only 10 in the latter.

66. In the different districts there was no other remarkable increase or decrease of crime as compared with that of the previous year.

67. In the Toungoo district, I am unable as before stated, from the returns for last year having been sent to the Commissioner of Pegu's office to make any comparison of the crime for the two past years. The cases of violent crime that occurred in that district in 1870 were as follows:—

Murder	6	cases.
Dacoity with murder	3	„
Dacoity	12	„
Robbery	11	„
Thefts	111	„

This is a small district but from its being on the Burmese frontier, violent crimes in proportion to the population are more numerous than in the other districts of the division.

68. In the different districts of this division, the cases of violent crimes as compared to the population bore the following per centage:—

District	Population	Violent crimes.	Percentage
Amherst	173,410	580	0 30
Shwe gyen	141,503	359	0·24
Tavoy	70,499	42	0 05
Morgul	44,762	33	0 07
Toungoo	78,406	143	0·18
Total	508,580	1,107	0 21

69. The following is the per centage of petty crimes in different districts for 1870:—

District	Population	Petty crimes	Percentage
Amherst	179,410	2 138	1 23
Shwe gyen	141,501	709	0 50
Tavoy	70,496	240	0 34
Mergui	41 732	361	0 80
Toungoo	78 406	792	1 01
Total	509 580	4 240	0 83

70. From the above it will be seen that the proportion of crime has been greater in Amherst, Shwegyen and Toungoo than in the other districts of this division. In the two former districts the races who are most addicted to crimes are the Toungthoos and Karennees, they especially the latter are now troublesome vagrants. The Toungthoos some years ago gave us far more trouble than they now do. Many of them at the time I speak of had lately arrived in the Amherst district, from the Shan States they had no fixed place of residence, and after forming alliances for committing crime with some of the Toungthoos, who had been for a time in our Provinces, they wandered about in armed gangs, especially in the Amherst district, from 1860 till 1866, they committed many dacoities. For the last five or six years they have settled down and become rather less troublesome, but now and again a gang of them crops up and have to be hunted down.

71. The Karennees are following exactly in the footsteps of the Toungthoos. At first few of them came to our Provinces, but for the last two or three years they have come in herds, some of them are hired by the cultivators and owners of gardens. They are got at a cheap rate, at from 60 to 80 Rs. a year They generally live away from villages in huts erected in the different gardens or near the paddy fields. They are much addicted to the use of spirits, opium and to gambling Those not under

any contract of service live in the huts of those who are. It is most difficult to control these people. They speak in their own language, and it is death to a Karennee when he returns to his country to give information on a brother countryman. There is a Freemasonry among them as to crime—their plans are matured in their huts in the gardens, a few spies sent to villages bring them information, and thus they are the most difficult criminal class in the Province for the Police to deal with At the commencement of the rainy season they invariably year after year at the time some of them are returning to their homes commit many dacoities, and of late they have been most successful in the amount of plunder they have obtained. I have urged upon district officers, and on the Police the necessity of closely watching these Karennees and of arresting under Section 295 of the Criminal Procedure Code, such of them as were vagrants without any ostensible means of living I have also tried to get them to congregate in a village or villages, but as yet without success. At present they are a difficult and lawless race to deal with, but in a few years we will get more hold on them, some of them will settle down in our Provinces and will not return to their native country. These settlers will have an interest in keeping the vagrant portion of their races in order, and will no doubt give us information against them. As more and more of them settle down they will no doubt like the Toungthoos become less troublesome: at present they require constant watching, and for some years to come the Police will have to look most strictly after them.

72. The reports of the district officers both on Criminal and Civil Justice are meagre, and wanting in detail. Three of the officers were new to their districts, namely, Lieut Colonel Spilsbury in Amherst, Major Duff in Shwe-gyen, Captain Fryer in Tavoy. Much could not be expected from them, but still with enquiry into the state of crime and examination of statistics, they might have given further reports than they have done.

73. The Mergui report gives no explanation as to the thefts in that district being 31 in 1870 and only 16 in the previous year; and the Deputy Commissioner makes no remarks on dacoity or piracy in the Mergui Archipelago, a subject he ought to have touched on.

74. The Deputy Commissioner of Toungoo has made up his Criminal report of a sketch of the different crimes that occurred in the district throughout the year. He has remarked on the want of roads and the difficulties of locomotion, especially in the rainy season—but that is not the time at which crime is most frequent. No doubt roads are much wanted in the Toungoo district, they would facilitate the movement of the Police. The Deputy Commissioner remarks on the want of Police in the southern portion of his district. An additional guard at Youkthawa on the east side of the Toungoo river has lately been ordered; but it will be necessary to have another guard on the west bank and in the southern portion of the district, somewhere near the road that is now being made from Rangoon *viâ* Pegu to Toungoo. In this district the frontier line has heretofore been, and must continue to be, the chief anxiety of the Police, and the force of the district is mostly kept on it; but as population increases a few extra guards will be required some distance within the frontier line to give protection to life and property—although the population on the Eastern frontier is 60,000 persons without a Policeman, it must be remarked that this large number of people is chiefly made up of wild Karen tribes to whom Burman Police would be more of a curse than a blessing. These tribes are mostly savages who are far better, for the present, left to themselves. The Missionaries at Toungoo have exerted themselves to civilize some of them: when they succeed in doing so, and the people want protection and can pay for it, they ought to have it.

75. The feeling amongst the Myo-okes of the Toungoo district, against dealing with bad characters,

or men without some ostensible means of living as referred to in the Deputy Commissioner's report, no doubt arises from an uncertainty as to the law, and as to whether or not the men will receive punishment. Then there is a very strong feeling of self-preservation with Myo-okes, they reason thus:—If I interfere with this man who is a determined and lawless character, he will probably pay me off in revenge, so Myo-okes do not interfere with bad characters and will not I believe do so: such cases had better be dealt with by the Police, and by the Magistrate of the district, or an Assistant with full powers.

76. * * * *

77. * * * *

78. The Deputy Commissioner of Toungoo points out the inconvenience of the present Law under Section 445 A of Criminal Procedure, and wishes to revert to the old Law under Act XV of 1862. No doubt in distant districts when there may be no officer except the Deputy Commissioner with full powers to commit, the present Law is inconvenient: but as it now appears to be considered necessary, in all Sessions trials, that there should be a commitment, the only way of getting over the difficulty complained of is to have in every district an officer with full powers to commit cases, and cases likely to be committed to the District Court should be tried in the first place by him.

79. In all the districts of this division the Police have worked well and generally have performed their duty satisfactorily.

80. As far as I can judge there appears to have been no unnecessary detention of witnesses in the different Courts.

81. During last year, I personally inspected the Criminal records of the Amherst and Shwe-gyen

districts and Tavoy district; since the commencement of the year, I have inspected those of Toungoo and Mergui: I found them up to date, correctly and neatly kept.

REPORT

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE,

FOR 1870.

ARAKAN DIVISION.

From Colonel J. F. J. STEVENSON, Commissioner of Arakan, to the Secretary to the Chief Commissioner of British Burma, Home Department, Judicial, No. 32, dated Akyab, the 30th May 1871.

I have the honour to submit my Report on the Administration of Civil Justice in the Arakan division for the year 1870, accompanied by the Statements and Reports noted below :—

No. 6.—Statement showing the number and description of Civil suits instituted in 1870.

No. 7.—Statement showing value of suits disposed of in 1870.

No. 8.—Statement showing the general result of the trial of Civil suits in the courts of original jurisdiction for 1870.

No. 9.—Showing the business of the Appellate court for 1870.

No. 10.—Statement showing the execution of decrees in 1870.

No. 12.—Statement of deeds registered in 1870, and District reports and returns in original.

2. The several Sub-divisional courts and District courts are according to Act I of 1863, Section 2, thus classified in this division :—

(i.)—The courts of the Extra Assistants of the 3rd class or Myo-okes, having jurisdiction in suits not more than Rupees 500 in value. First Grade Courts.

(ii.)—The courts of the Extra Assistants of the 2nd class or Tsitkays, having jurisdiction in suits of more than Rupees 500 in value, but of not more than Rupees 3,000. Second Grade Courts.

(iii.)—The courts of the Extra Assistants of the 1st class and the Assistant Commissioners, having jurisdiction of more than Rupees 3,000, but of not more than Rupees 5,000. Third Grade Courts.

(iv.)—The courts of the Deputy Commissioners having original jurisdiction in suits the value of which exceeds Rupees 5,000, and having also appellate jurisdiction from the decrees of the Subordinate courts. Fourth Grade Courts.

(v.)—The court of the Commissioner of the division having appellate jurisdiction only. Fifth Grade Courts.

3. The following shows the number of courts of each grade in each district of the division during the year under review :—

	Courts.	Akyab.	Ramree.	Sandoway.	North Arakan.	Total.
Paid Sub-divisional Courts.	1st Grade Courts, Extra Assistants 3rd class or Myo-okes	7	3	2	1	13
	2nd Grade Courts, Extra Assistants 2nd class or Tsitkays	1	..	1	..	2
	3rd Grade Courts, Extra Assistants 1st class and Assistant Commissioners	3	1	..	..	4
	Total....	11	4	3	1	19
District Courts.	4th Grade Courts, Deputy Commissioners	1	1	1	1	4
	Total....	12	5	4	2	23
Superior or 5th Grade Court, Commissioner of the division						1

The above shews that there were in all 24 Judges presiding over the several tribunals in the division

during the year under review, of whom 19 presided over original courts or tribunals, and 5 over the appellate. Of the Judges of original courts, 13 are Extra Assistants of the 3rd class, or Myo-okes, of whom 10 are Arakanese and 3 Arakanese Mahomedans; 2 are the Extra Assistants of the 2nd class, or Tsitkays, both of whom are Arakanese; and 4 are Extra Assistants of the 1st class and Assistant Commissioners. Of these 2 in the Akyab district are the Assistant Commissioners who are Europeans, and 2 Arakanese are at Moung Dan and Kyouk Phyoo. The 5 appellate Judges are Europeans.

4. The number and description of suits instituted in all the courts in the division as compared with the previous year are given below:—

		1870.			1869.				
		Sub-divisional Court.	District Court.	Total.	Sub-divisional Court.	District Court.	Total.	Increase.	Decrease.
Debt	Akyab	2,213	1	2,214	1,811	4	1,815	399	..
	Ramree	471	..	471	374	..	374	97	..
	Sandoway	250	..	250	297	..	297	..	47
	North Arakan	22	3	25	8	..	8	17	..
	Total	2,956	4	2,960	2,490	4	2 494	466	..
Damages	Akyab	47	1	48	152	..	152	..	104
	Ramree	69	..	69	45	..	45	24	..
	Sandoway	15	..	15	25	..	25	..	10
	North Arakan	..	..	..	4	..	4	..	4
	Total	131	1	132	226	..	226	..	94
Marriage and Divorce.	Akyab	52	..	52	73	..	73	..	21
	Ramree	27	..	27	26	..	26	1	..
	Sandoway	22	..	22	24	..	24	..	2
	North Arakan	2	..	2	2	..	2	..	..
	Total	103	..	103	125	..	125	..	22
Other suits	Akyab	126	1	127	709	1	710	..	583
	Ramree	125	..	125	178	1	179	..	54
	Sandoway	49	..	49	47	..	47	2	..
	North Arakan	..	..	..	1	..	1	..	1
	Total	300	1	301	935	2	937	..	636
Total	Akyab	2,438	3	2,441	2,745	5	2,750	..	309
	Ramree	669	..	669	623	1	624	68	..
	Sandoway	336	..	336	393	..	393	..	57
	North Arakan	24	3	27	15	..	15	12	..
	Total	3 490	6	3,496	3,776	6	3 782		286

5. The aggregate number of suits instituted in all the courts of the division during the year of report amounted to 2,782 against 2,496 in the previous year, shewing a decrease of 286, or 8 per cent in the number instituted. This occurred in the Sub-divisional courts of the division where the number instituted was 3,490 against 3,776, or 8 per cent decrease; but in the District courts the number instituted was the same, being 6 in both years.

Although there was an increase in the number of suits filed in the districts of Ramree and North Arakan, yet the figures in the divisional returns are particularly affected by a considerable falling off in the number instituted in the districts of Akyab and Sandoway. In the former district the number fell from 2,750 to 2,441, or 12 per cent; and in the latter from 393 to 336, or 16 per cent. In the Ramree district the number rose from 624 to 692 or 10 per cent; and in North Arakan from 15 to 27.

6. The decrease took place in the division principally under the following class of suits, *viz*: damages, which fell from 226 to 132, or 72 per cent.

Suits relating to marriage dower and divorce, from 125 to 103, or 21 per cent; and other suits from 937 to 301, or 211 per cent. Under the head of debt alone there was an increase in the number instituted in the division during the year. This rose from 2,494 to 2,960, or 18 per cent. Thus of all the suits instituted during the year

2,960	or 84	per cent	were for money debt.
132	„ 3	„	for damages.
103	„ 3	„	for marriage and divorce:
301	„ 8	„	for other suits.

7. Of the number of suits in this district 2,438 were instituted in the Sub-divisional courts against 2,745; and 3 in the District court against 5 in the previous year. Akyab district

The decrease in the number of suits in this district amounted to 309, or 12 per cent.

This occurred under the following heads in all the Sub-divisional and District courts generally :—

Damages fell from 152 to 48, or 104 per cent.

Marriage dower and divorce, from 73 to 52, or 40, per cent.

Other suits from 710 to 127, or 459 per cent.

Under the head of debt alone there was an increase of 399, or 21 per cent, or 2,214 suits instituted against 1,815 in the previous year.

8. With regard to the general decrease of suits in this district, and increase under the single head of debt, the Deputy Commissioner gives the following explanation :—

" The number of regular suits instituted has de-
" creased, when compared with 1869, by 309 suits,
" the figures being in 1869 2,750
1870 2,441

Decrease in 1870..... 309

* * * *

" The total number of original Civil cases brought
" before the courts for trial, during the year, includ-
" ing 34 pending from 1869 is 2,475 suits.

" The decrease in the number of civil regular suits
" instituted, occurred in the following four courts
" only, the other courts exhibiting increases :—

Name of Court.		Decrease.
" Akyab	(Tsitkay)	607
" Myo-houng.....	(Myo-oke)	39
" Oorcetoung East	(do.)	7
" Koladan	(do.)	15
" Deputy Commissioner	(original)	2

Total decrease.....670

" Such a large decrease in the court which decides " the majority of the Civil cases of the large town of " Akyab is very remarkable.

" To arrive at a conclusion, however, regarding " the true state of the litigation in Akyab town, and " suburbs, it is necessary to consider the working of " the courts of the Senior Assistant Commissioner at " Akyab, and of the Kyailet (Myo-oke) Extra " Assistant Commissioner.

" The former court decides cases beyond the " jurisdiction of the Tsitkay, and also cases to which " Europeans are parties ; and the latter court decides " all petty cases up to Rupees 50 in value. Setting " off increases in those two courts, of cases arising " within the jurisdiction of the Tsitkay, tried by " them as follows *viz* :—

	Increase.
" Assistant Commissioner.....	67
" Kyailet Extra Asst. Commissioner (Myo-oke)...	111
Total Increase.	178

" a net decrease in litigation in Akyab of 496 cases " is found. Such a decrease is remarkable ; and is " attributable, primarily, to the fact of the merchants " having ceased, to a great extent, to make advances " to the cultivators in the interior for purchase of " produce. Such advances when made were a very " fruitful cause of litigation, and this was particular- " ly the case in 1869, when the country was just " recovering from the shock of the cyclone, and " money was scarce. The severe losses experienced " tempted the persons who got the advances to pos- " sibly apply the money to other uses than the ful- " filment of their engagements. Secondly :—In 1869 " the hawkers and others who take piece goods from " wholesale merchants in Akyab, for sale in the " interior, found that, owing to the great dearth of " money, they were either unable to sell their goods : " or else, if they did sell, it was at a loss or on long " credit, and thus they were unable to pay the

" wholesale merchants, from whom the original pur-
" chases were made. Hence numerous suits arose.

" This explanation is borne out by the figures for
" 1869, which show that out of all the suits institu-
" ted in that year amounting to 2,750, 1,310 suits or
" 47·6 per cent were for money debts."

* * * *

" It cannot be said that the introduction by the
" Court Fees Act of 1870 of a lower rate stamp
" duty, in some instances, but mainly in the fees
" payable on institution of regular suits and appeals,
" has as yet had any effect on litigation. In fact, if it
" were true that the enhanced stamp duties leviable
" upon the Act XXVI of 1867, deterred people from
" prosecuting their claims, on the lowering of the
" rates, an increase of litigation might be naturally
" looked for. It is seen, however, (supra) that far
" from that being the case, there is a considerable
" decrease.

" As far as we are now able to judge the deduc-
" tion is, that slight increases or decreases in stamp
" duties have no real effect on litigation: and that
" people will resort to the courts, in any case, unless
" the duties be absolutely penal.

" The question as to whether the Court Fees Act
" of 1870 is likely to materially affect litigation, or
" otherwise, is now however rather premature, more
" especially as no translations of the Act have as
" yet reached the officials, not to speak of the out-
" side public. The courts here have been working
" the Act so far by means of memoranda drawn up
" by the District court in the vernacular, which fail,
" however, to give such a comprehensive view of
" the stamp laws as to ensure their very accurate
" observance. The importance of vernacularising
" our laws, at once, can scarcely be over estimated.

* * * *

* * * *

"The class of cases which generally are the most "vexatious are those connected with marriage "dower and divorce, and matrimonial cases gene- "rally. In the present year only 52 cases of this "nature against 73 last year were instituted, show- "ing a satisfactory decrease of 21 cases."

I concur with Mr. Ireland in his remarks upon the new Court Fees' Acts. Yet I think that the reduction of institution fees, though it may not have affected, nor may hereafter affect litigation, was called for. The former charge of 10 per cent was inordinately high.

But his reasoning as to the causes of the decrease of suits for debt this year as compared with last appears to be unsound, and is in fact based on erroneous data. The fact is that the per centage of debt suits was really much lower in 1869 than in this year; thus:—In 1870 the per centage is as high as 90, in 1869 only 66 and not 47·6 as he states.

9. Of all the suits instituted during the year those for debt alone amounted to 2,214, or 90 per cent, and marriage and divorce 52, or 1 per cent; while in 1869 the suits were only 1,815 of a total of no less than 2,750.

Ramree district.

10. In this district all the suits were instituted in the Sub-divisional courts and none in the District court. In the previous year, there was but one suit instituted in the District court.

The increase in this district amounted to 68 suits, or 10 per cent, being 692 suits instituted against 624 in the previous year. The increase in this district was principally under the head of money debt which rose from 374 to 471, or 25 per cent, and damages from 45 to 69, or 53 per cent. The increase under the other heads is slight.

11. The Deputy Commissioner of the district gives no explanation of the cause of the increase of suits instituted in his district, but simply states that

"the bulk of cases instituted was as usual of small "monetary value."

Of the suits instituted 471, or 68 per cent were for debt, and 27, or nearly 4 per cent were for marriage and divorce.

Sandoway district

12. All the suits in this district were instituted in the Sub-divisional courts, none being filed in the District court, as in the previous year.

The decrease in this district amounted to 57, or 16 per cent, or 336 suits instituted against 393 in the previous year.

The decrease occurred under all the heads but "other suits," under which there was a trifling increase of 2 suits. Under debt the number fell from 297 to 250, or 18 per cent. Under damages from 25 to 15, and under marriage and divorce from 24 to 22.

The Deputy Commissioner of Sandoway gives the following reasons for the decrease in his district:—

"Some portion of this decrease is probably attri-
"butable to the fact of cholera having prevailed
"during 5 months causing the people to shut them-
"selves up in their villages and diverting their at-
"tention; but for this there would probably have
"been little difference, as both years were quiet
"ones, with good crops and moderate prices for
"grain—moderate as this amount of litigation is it
"is still more than ought to exist, by far the larger
"number of suits are either dishonestly and vindic-
"tively preferred, or dishonestly resisted; in both
"cases at the instigation of the pleaders who are
"both hungry and unscrupulous: in such suits the
"amount of stamps has no deterrent effect, more
"especially as nearly the whole do not exceed 100
"each in amount, with an average of costs of little
"over 10 in each suit."

Part of the last clause is unintelligible. Of the suits instituted 250, or 74 per cent were for debt, and 22, or 6 per cent for suits relating to marriage and divorce.

13. In this district there were 27 suits instituted during the year against 15 in the previous year. Of these 24 were instituted in the Sub-divisional courts against 15, and 3 in the District court against none in the previous year. There was an increase of 12 suits. North Arakan.

The increase was only under the head of debt which rose from 8 to 25 in the year of report. Suits for damages and other suits were not instituted during the year; while suits for marriage and divorce remained the same.

The Superintendent of Hill Tracts (*i. e.*, North Arakan) states as follows:—

"Of the three cases in the Superintendent's court "two were between Hill Arakanese, and one was "brought by a low country Arakanese, neither were "for a greater value than Rupees 110. Of the 24 "cases in the lower court there were 3 in which "Hkamies were concerned, and 6 in which Hill "Arakanese, or Chyoungthas were concerned. The "increase is almost entirely due to the new bazaar "at the foot of the Hills; but still there is a slight "increase in suits brought by the Hill people which "will grow year by year."

Of all the suits filed 92 per cent were for debt, and 7 per cent for marriage and divorce. It is a noticeable fact while the marriage and divorce suits were only one per cent in Akyab, in Ramree they were four, in Sandoway six, and in the Hill Tracts seven per cent. No explanation has been given upon this subject. The result is very favourable to Akyab where there is a large population of foreign and Arakanese Mahomedans who in the other districts are in comparison few. The Burman marriage tie is notoriously more lax than in India. This appears to be the explanation of this feature of the returns.

14. The following shews the number of suits litigated with their aggregate value and average of each suit in 1870 and 1869 (omitting fractions):—

CLASS.	DISTRICT.	Suits in 1870.	Suits in 1869.	Aggregate value 1870.	Aggregate value 1869.	Increase suits.	Decrease suits.	Increase value.	Decrease value.
Not exceeding Rs. 5.	Akyab	423	177	1,397	785	246	..	602	..
	Ramree	114	77	312	230	37	..	82	..
	Sandoway	42	64	111	198	..	22	..	86
	North Arakan	6	..	17	..	6	..	17	..
	Total	585	318	1,839	1,163	267	..	675	..
Not exceeding Rs 20.	Akyab	813	740	18,166	9,156	73	..	9,000	..
	Ramree	220	163	2,533	2,787	57	..	..	258
	Sandoway	107	151	1,245	1,915	..	44	..	670
	North Arakan	10	..	134	..	10	..	134	..
	Total	1,150	1,054	22,080	13,850	96	..	8,220	..
Not exceeding Rs. 100.	Akyab	880	1,343	50,749	73,885	..	513	..	23,136
	Ramree	292	283	11,982	13,864	9	..	..	1,882
	Sandoway	106	156	7,850	8,552	10	..	..	702
	North Arakan	6	15	244	1,521	..	9	.	1,276
	Total	1,294	1,797	70,827	97,823	..	503	..	26,996
Not exceeding Rs. 500.	Akyab	364	430	69,187	1,07,807	..	66	..	38,619
	Ramree	59	94	10,899	18,669	..	35	..	7,770
	Sandoway	20	21	3,264	2,683	..	1	..	418
	North Arakan	5	..	1,190	..	5	..	1,190	..
	Total	448	545	84,541	1,30,160	..	97	..	45,618
Exceeding Rs. 500.	Akyab	37	63	71,337	1,48,059	..	26	..	76,672
	Ramree	7	7	8,003	1,5334	..	..	..	7,331
	Sandoway	..	..	..	..	..	..	..	..
	North Arakan	.	..	..	..	..	..	..	..
	Total	44	70	79,390	1,63,393	..	26	..	84,003
Total	Akyab	2,467	2,753	2,10,888	3,30,644	..	286	..	1,28,755
	Ramree	692	624	33,731	50,885	68	..	..	17,154
	Sandoway	335	392	12,471	14,849	..	57	..	1,878
	North Arakan	27	15	1,587	1,521	12	..	66	..
	Total	3,521	3,784	2,58,678	4,06,401	..	263	..	1,47,722

15. The above figures do not shew the value of suits *instituted,* as statement No. 7 *exhibits* suits disposed of in the year of review, leaving out entirely suits pending at the close of the year.

16. The bulk of the cases instituted in the year of report were as usual of small value ; in only 44 cases did the amount in dispute exceed Rupees 500, against 70 in the previous year; while 585 suits were for Rupees 5 and under against 318 in 1869 :—

1,150	were for sums	between	Rs.	5	&	20	against 1,054
1,294	„	„	„	20	„	100	„ 1,797
448	„	„	„	100	„	500	„ 545

in 1869.

The per centage of suits disposed of in the year of report being :—

16	per cent	for suits	not exceeding	Rupees	5
32	„	„	„	„	„ 20
36	„	„	„	„	„ 100
12	„	„	„	„	„ 500
1	„	„	exceeding		„ 500

The aggregate value of suits litigated was as follows :—

				1870.		1869.
Suits not exceeding Rs.	5	in value	Rs.	1,839	against	1,163
Between Rs. 5 and	20	„	„	22,080	„	13,859
„ „ 20 and	100	„	„	70,827	„	97,823
„ „ 100 and	500	„	„	84,541	„	1,30,160
Above 500				79,390	„	1,63,393
Total value of suits,			Rs.	2,58,676		4,06,401

annas and pies again omitted, which accounts for trifling discrepancies with the table immediately foregoing.

The average value of each suit was :—

In suits not exceeding Rs.	5	in value	Rs.	3	against	3	in 1869
Between Rs.	5 and	20	„	18	„	13	„
„ „	20 and	100	„	54	„	54	„
„ „	100 and	500	„	188	„	238	„
Exceeding „	500			1,804	„	2,339	„
Average of the division				73		107	

16½. From the above it will be seen that there were the following increase and decrease in the number and value of suits disposed of under these heads, *viz* :—

Class.	Increase suits.	Decrease suits.	Increase value.	Decrease value.	Per centage of increase in value	Do. do. decrease.
Not exceeding Rs. 5 .. .	267	..	675	..	58	..
Between Rs 5 and 20 . .	96	..	8,220	..	59	..
Between Rs. 20 and 100 ..	.	503	..	26,996	..	38
Between Rs. 100 and 500 ..	..	97	..	45,618	..	53
Exceeding Rs 500 .. .	..	26	..	84,003	..	105
Total....	.	263	..	1,47,722	..	57

The above shows that there was an increase both in the number and the aggregate value of suits between Rupees 5 and Rupees 20; while there was a considerable decrease both in the number and value in suits exceeding Rupees 20. On the whole there was a considerable decrease under both columns as compared with the figures of the previous year.

The decrease occurred in all the districts of the division except North Arakan where there was an increase of a small sum of Rupees 66 in value, and an increase of 12 suits.

In Akyab there was a falling off of Rupees 1,28,755, or 61 per cent in value, and 286, or 11 per cent in the number of suits disposed of.

In Sandoway there was a falling off of Rupees 1,878, or 15 per cent, and 57, or 17 per cent in the number of suits.

In Ramree there was a falling off in value of Rupees 17,154, or 53 per cent; but an increase of 68 in the number of suits which is equal to 10 per cent.

Akyab district.

17. In this district the bulk of the suits instituted were of small value; in only 37 cases did the amount exceed Rupees 500 against 63 in 1869:—

423	suits were	for Rupees	5 and under	against	177
813	were for sums	between Rs.	5 and 20	„	740
830	„	„	20 and 100	„	1,343
364	„	„	100 and 500	„	430

The per centage of suits disposed of in the year of report being:—

17	per cent	for suits	not exceeding	Rupees	5
32	„	„	between Rs	5 and	20
33	„	„	„ „	20 and	100
14	„	„	„ „	100 and	500
1	„	„	exceeding „		500

The aggregate value of suits litigated was as follows :—

		1870		1869
Suits not exceeding Rs 5 in value	Rs	1,397	against	735
Between Rs. 5 and 20	„	18,166	„	9,156
„ „ 20 and 100	„	50,749	„	73,885
„ „ 100 and 500	„	69,187	„	1,07,807
Above „ 500		71,387	„	1,48,059
	Total Rs	2,10,888		3,39,644

The average value of each suit was :—

Suits not exceeding Rs	5	in value	3	against	4	in	1869
Between Rs 5 and	20	„	22	„	12		„
„ „ 20 and	100	„	61	„	55		„
„ „ 100 and	500	„	190	„	250		„
Exceeding „	500		1,929	„	2,350		„
Average of the district			85		123		

The following shews the difference in the number and value of suits litigated between the years 1870 and 1869 :—

Class	Increase suits	Decrease suits	Increase value	Decrease value	Per centage of increase value	Do. decrease in value
Not exceeding Rs 5	246		662		90	
Between Rs 5 and 20	73		9 009		98	
Between Rs 20 and 100		513		23 186		45
Between Rs 100 and 500		66		88 619		55
Exceeding Rs 500		26		76 072		107
Total		286		1 28 755		61

The above exhibits an increase in the number and value of suits disposed of exceeding Rupees 5 and not exceeding Rupees 20 in value. But a consider-

able falling off in the number and value of suits exceeding Rupees 20 in value.

On the whole there was a considerable falling off both in the number and value of suits disposed of in this district during the year under review.

18. The Deputy Commissioner of Akyab makes the following remarks :—

"The bulk of cases disposed of are of small monetary value. The whole amount litigated in 2,467 "suits (including 34 pending from last year) being "Rupees 2,10,888-14-6 : of the above sum Rupees "27,300 were litigated in the District court, leaving "only Rupees 1,83,588-14-6 to be disposed of in the "subordinate courts, such amounts being litigated in "2,464 suits, with an average of Rupees 74-5 to "each suit. The above figures do not show the "value of 8 suits pending at the end of the year, as "statement No. 7 only exhibits suits decided on "trial ; and in this particular, the returns seem defective, as the value of those 8 suits might be in "the aggregate, as much, or more than all the other "suits put together; and statement No. 6 does not "show the value of the suits exactly.

"Return No. 7 exhibits the monetary value of "the suits instituted. It will be seen that the majority of the suits in the subordinate courts involve a small money value as follows :—

	Value.	Per centage to suits instituted.
"Not exceeding Rs.	5	17·16
„ „	20	32·99
„ „	100	33·67
„ „	500	14·76
„ „	1,000	·81
„ „	5,000	·56

"It cannot be said, however, that on that account "the suits were unimportant, or did not involve important interests to the litigants: for it is of as "much moment to a poor man to recover a small

"sum as for a rich man to recover a large amount; "and probably efficiency in the judges who decide "these small suits is a matter of as great importance "as efficiency in those that decide the larger; for "possibly a poor litigant who has other business to "attend to, is put to more hardships by miscarriage "of justice than the more wealthy suitor. The "average value of the suits disposed of for the whole "district is 85·48, and exclusive of that court 74·5 "only."

19. In this district there were only 7 cases in which the amount in value exceeded Rs. 500 against the same number in 1869; while Ramree district.

114	were for 5 Rupees and under				against	77
220	were for sums between Rs.	5	and	20	„	163
293	„ „ „	20	and	100	„	283
59	„ „ „	100	and	500	„	94

The per centage of cases disposed of in the year being:—

16	per cent in suits not exceeding			Rupees	5	
31	„ „ between Rs.	5	and	„	20	
42	„ „ „	20	and	„	100	
8	„ „ „	100	and	„	500	
1	„ „ exceeding			„	500	

The aggregate value of suits was:—

				1870.	1869.
Suits not exceeding		Rupees	5	312	230
Between	Rs. 5	and „	20	2,533	2,787
Between	„ 20	and „	100	11,982	13,864
Between	„ 100	and „	500	10,899	18,669
Exceeding	„ 500			8,003	15,334
		Total Rs.		33,731	50,885

The average value of each suit was:—

				1870.	1869.
In suits not exceeding		Rupees	5	3	2
Between	Rs. 5	and „	20	12	17
Between	„ 20	and „	100	41	48
Between	„ 100	and „	500	185	198
Exceeding	„ 500			1,143	2,190
	Average of the district...			49	81

The following shews the difference in the number and value of suits litigated in the years 1870 and 1869 :—

Class.	Increase suits.	Decrease suits	Increase value.	Decrease value.	Per centage of increase in value.	Do decrease in value.
Not exceeding Rs 5 ..	37	..	82	..	35	
Between Rs. 5 and „ 20	57	..	.	251	..	9
Between Rs 20 and „ 100 .	9		..	1,882	..	15
Between Rs 100 and „ 500	.	35	.	7,770	..	71
Exceeding Rs. 500	..	.	..	7,331	..	91
Total....	68	..	.	17,154	..	51

The above shews that there was an increase both in the number and value of suits not exceeding Rs. 5 : there was a larger number of suits disposed of with small amount in value between Rs. 5 and Rs. 100. A small number of suits between Rs. 100 and Rs. 500 with decrease in value. And the same number of suits exceeding Rs. 500 with a considerable decrease in value. On the whole there was an increase in the number of suits disposed of; but a considerable decrease in their value.

20. The Deputy Commissioner of Ramree has offered no remarks with regard to the falling off in the value of suits above adverted to.

Sandoway district.

21. There were no cases disposed of in this district in both years in which the amount in value exceeded Rs. 500.

42	were for Rupees	5	and under		against	64
107	for sums between	Rs. 5	and Rs.	20	„	151
166	„ „	„ 20	and „	100	„	156
20	„ „	„ 100	and „	500	„	21

The per centage of suits disposed of in the year being :—

12	per cent in	suits not	exceeding		Rupees	5
31	„ „	between Rs.	5	and „	20	
49	„ „	„	„ 20	and „	100	
5	„ „	„	„ 100	and „	500	

The aggregate value was :—

	1870.	1869.
In suits not exceeding Rs. 5	111	198
Between Rs. 5 and „ 20	1,245	1,915
Between „ 20 and „ 100	7,850	8,552
Between „ 100 and „ 500	3,264	3,683
Total	12,471	14,349

The average value of each suit was:—

	1870.	1869.
Suits not exceeding Rs. 5	3	3
Between Rs. 5 and „ 20	12	12
Between „ 20 and „ 100	47	54
Between „ 100 and „ 500	164	175
Exceeding „ 500	0	0
Average of the district	37	36

The following shews the difference in the number and value of suits litigated in the years 1870 and 1869 :—

Class.	Increase suits.	Decrease suits.	Increase value.	Decrease value.	Per centage of increase in value.	Per centage of decrease in value.
I. Not exceeding Rs. 5..	..	22	..	86	..	77
II. Between Rs. 5 and „ 20..	..	44	..	670	..	53
III. Between Rs. 20 and „ 100..	10	..	..	702	..	8
IV. Between Rs. 100 and „ 500..	..	1	..	418	..	12
V. Exceeding Rs. 500.. ..	..	..	..	..	..	..
Total....	..	57	..	1,878	..	15

The above shews that there was a decrease in the number of suits disposed of under the 1st, 2nd and 4th heads, and a slight increase under the 3rd head, *viz.*, suits between Rs. 20 and Rs. 100 ; while there was a considerable falling off in the aggregate value under all the heads.

On the whole there was a falling off both in the number and value of suits disposed of in the district during the year under review.

22. No remarks are offered by the Deputy Commissioner of the district with regard to the decrease in the value of suits above adverted to.

North Arakan

23. In North Arakan no cases exceeding Rs. 500 in value were disposed of in both years

6	suits were for	Rs.	5	and under,
10	were between	„	5	and 20
6	„ „	„	20	and 100
5	„ „	„	100	and 500

In the previous year there were only 15 suits in all instituted and disposed of between Rs. 20 and 100 in value.

The aggregate value was :—

	1870.	1869.
In suits not exceeding Rs. 5	17	0
Between Rs. 5 and 20	134	0
„ „ 20 and 100	244	1,521
„ „ 100 and 500	1,190	0
Above „ 500	0	0
Total	1,589	1,521
Total average	59	104

There was an increase of 12 suits with an increase of Rs. 66 in the aggregate value of suits disposed of.

24. The Superintendent of Hill Tracts states :—

"Of the 27 suits instituted none exceeded Rs. "500 in value, and all were for money lent or goods "sold, except 2 which were for dissolution of mar- "riage.

"The total value of suits brought in the Court of "the Superintendent was Rs. 150, and the Court of "the Assistant Superintendent Rs. 1,437-4-2.

25. The following shews the total number of suits pending, instituted and disposed of, with their average duration :—

COURTS.			Pending from 1869.	Instituted in 1870.	Total.	Disposed of.	Pending.	Pending over two months.	Average duration of each case disposed of.
Sub-divisional Courts, Akyab		..1870..	34	2,438	2,472	2,464	8	3	9
		..1869..	37	2,745	2,782	2,748	34	..	11
Do.	Ramree	..1870..	..	692	692	692	..	..	20
		..1869..	..	623	623	623	..	..	14
Do.	Sandoway	..1870..	2	336	338	335	3	..	9
		..1869..	1	393	394	392	2	..	10
Do.	North Arakan	..1870..	..	24	24	24	..	..	8
		..1869..	..	15	15	15	..	..	5
	Total	..1870..	36	3,490	3,526	3,515	11	3	11
		..1869..	38	3,776	3,814	3,778	36	..	10
District Court, Akyab		..1870..	..	3	3	3	..	..	59
		..1869..	..	5	5	5	..	..	18
Do.	Ramree	..1870..	..	..	..	..	..	..	..
		..1869..	..	1	1	1	..	..	7
Do.	Sandoway	..1870..	..	..	..	..	..	..	..
		..1869..	..	..	..	..	..	..	..
Do.	North Arakan	..1870..	..	3	3	3	..	..	1
		..1869..	..	..	..	..	..	..	..
	Total	..1870..	..	6	6	6	..	..	30
		..1869..	..	6	6	6	..	..	12
Total, Akyab		..1870..	34	2,441	2,475	2,467	8	3	20
		..1869..	37	2,750	2,787	2,753	34	..	14
Do. Ramree		..1870..	..	692	692	692	..	..	20
		..1869..	..	624	624	624	..	..	13
Do. Sandoway		..1870..	2	336	338	335	3	.	9
		..1869..	1	393	394	392	2	..	10
Do. North Arakan		..1870..	..	24	24	24	..	..	4
		..1869..	..	15	15	15	..	..	5
	Total	..1870..	36	3,496	3,532	3,521	11	3	13
		..1869..	38	3,782	3,820	3,784	36	..	10

26. The above shews that there were including 36 suits pending from the previous year 3,532 suits for trial during the year, against 3,820 in the previous year, of which 3,521 suits were disposed of against 3,784, at an average duration of thirteen days, which is three more than in the previous year.

Of the cases decided 3,515 were decided by subordinate Judges, *viz.*, 2 Assistant Commissioners, 2 Extra Assistant Commissioners of the 1st class, 2 Extra Assistant Commissioners 2nd class, and 13 Extra Assistant Commissioners 3rd class : 6 were decided by the Deputy Commissioners and the Superintendent of Hill Tracts.

27. The average duration of cases decided by the subordinate Judges in the division was 11 days against 10 in the previous year, and of cases decided by the District courts was 30 days against 12 days in the previous year.

The increase in the average duration in the District courts is owing to the long duration of cases in that of Akyab where the time occupied was 59 days in the year of report.

Akyab district

28. The number of suits for trial including 34 cases pending at the commencement of the year was 2,475, which shews a decrease of 312 cases when compared with the previous year Of this number 2,467 cases were disposed of against 2,753 leaving a balance of 8 cases against 34, pending at the close of the year. The average duration of each case disposed of in the year of report was 20 days against 14 in the previous year.

Of the cases decided 2,464 were decided by subordinate Judges, Europeans and Natives, 11 in number, *viz* :—

2	Assistant	Commissioners		
1	Extra Assistant	Commissioner,	1st	Class
1	Do	do	do	2nd „
7	Do	do.	do	3rd „

3 were decided by the Deputy Commissioner.

29. The average duration of suits disposed of by the subordinate Judges was 9 days against 11 in the previous year, which is satisfactory. The average duration of cases disposed of by the District judge was 59 days against 18 in the previous year.

The Deputy Commissioner of the district gives no explanation[a] with regard to this delay in the trial of cases by him, but merely states as follows:—

Explanation on the duration of Civil Cases in the District Court in 1870, *just received*

" Regular Civil No. 1 of 1870 adjourned in consequence of the absence of the Deputy " Commissioner on duty at Taragoo after a raid of Hill men

" Regular Civil No 2 of 1870—Delayed in consequence of the issue of a Commission " for adjustment of accounts and necessary adjournments allowed the parties

Regular Civil No 3 of 1870—Proceedings in Rangoon Postponed at Plaintiff's ' request to admit of an advocate coming from Rangoon, and for return of an investiga ' tion regarding institution of a pauper suit which was conducted in the Assistant Com ' missioner's Court "

"The average duration of contested suits was 12* "days only, and of uncontested suits only 5 days. "The result, too, may be considered satisfactory, "when it is considered that the time taken to serve a "summons in the rainy season is sometimes protracted.

"There was not any case pending over 4 months "of the 8 cases pending at the close of the year."

30. In this district there were 692 cases for trial against 624, all of which were disposed of during the year under review. Ramree district

The average duration of each case disposed of in the year of report was 20 days against 13 in the previous year.

Of the cases decided, all were disposed of by the subordinate Judges, *viz*:—

1 Extra Assistant Commissioner 1st Class.
3 Do do. do. 3rd „

None by the Deputy Commissioner.

31. With regard to the delay in the disposal of the cases, the Deputy Commissioner states:—

"The average duration of each suit was 21 days "against 14† days in 1869. The increase is not "satisfactory. It is owing to delay in the disposal "of cases in the court of the Aeng Myo-oke whose "attention has been called to the subject."

o o o o

"Of the cases decided.—

"207 were by the Extra Asst Commissioner, Kyouk Phyoo
"85 by the Extra Asst. Commissioner, or Myo-oke of Aeng.
"248 do do. do. Ramree
"152 do do. do. Cheduba.

"It thus appears that there were far fewer suits in "the court of the Myo-oke of Aeng than in the "courts of the other two Myo-okes, and thus therefore "less excuse for the delay which occurred in the dis-"posal of suits in his court."

---

*See Statement 8 †20 and 13 Vide Return

Sandoway district. 32. There were two suits pending at the commencement of the year, which with 336 suits instituted gives 338 as the number on the files for disposal against 394. Of this 335 were disposed of against 392, leaving 3 pending at the close of the year against 2 in the previous year.

The average duration of each case disposed of in the year of report was 9 days against 10 in the previous year.

All the cases decided were disposed of by the subordinate Judges, *viz.* :—

1 Extra Assistant Commissioner 2nd Class.
2 do. do. 3rd Class.

The Deputy Commissioner makes no remarks.

North Arakan. 33. In North Arakan there were 24 suits for trial against 15, which were all disposed of during the year. The average duration was 5 days against 4 in the previous year.

Of the cases decided—24 cases were disposed of by the only subordinate Judge styled Assistant Superintendent, and 3 cases by the District Judge styled Superintendent.

34. The average duration of cases decided by the Assistant Superintendent was 8 days against 5, and by the Superintendent 1 day only.

The Superintendent says:—"Deducting (from) "cases postponed unavoidably I find that the Assist- "ant Superintendent's average would be 6·55. This "is too high considering the little he has to do."

Considering however that this officer has had little or no judicial experience, but was appointed from the Police as Assistant in the Hills on account of other qualifications, I think the average may be excused.

35. The following table shows the manner in which cases were disposed of in 1870 compared with the previous year :—

		Contested cases.			Uncontested cases.						Grand Total.	Average duration of suit.	
		Judgment for Plaintiff.	Judgment for Defendant.	Total.	Exparte.	By confession.	Compromise.	Withdrawn, rejected or otherwise disposed of.	Referred to arbitration.	Total.		Average duration of contested cases.	Average of uncontested cases.
1870													
Number of suits.	Akyab	878	250	1,128	322	200	198	619	..	1,339	2,467	36	5
	Per centage .	35·5	10·1	45·7	13·0	8·7	8·0	25·0	..	54·2	99·9	..	..
	Ramree ..	200	131	331	124	49	50	138	..	361	692	21	19
	Per centage..	28·9	18·9	47·8	17·9	7·0	7·2	19·9	..	52·1	99·9	..	..
	Sandoway ..	100	71	171	19	69	25	51	..	164	335	8	10
	Per centage..	29 8	21 1	51·0	5·6	20 5	7·4	15·2	..	48·9	99·9	..	..
	North Arakan.	16	..	16	..	..	8	3	..	11	27	3	6
	Per centage..	59·2	..	59·2	..	..	29·6	11·1	..	40·7	99·9	..	..
	Total..	1,194	452	1,646	465	318	281	811	..	1,875	3,521	17	10
	Per centage..	33·9	12·8	46;7	13·2	9·0	7·9	23·0	..	53·2	99·9	..	..
1869													
Number of suits.	Akyab	892	307	1,199	324	232	363	631	4	1,554	2,753	18	11
	Per centage..	32·4	11·1	43·5	11·7	8·4	13·1	22·9	·1	56·4	99·9	..	..
	Ramree ..	173	67	240	114	40	28	202	..	384	624	17	9
	Per centage..	27·7	10·7	38·4	18·2	6·4	4 4	32·3	..	61·5	99·9	..	..
	Sandoway ..	156	71	227	38	51	35	41	..	165	392	13	8
	Per centage..	39·7	18·1	57·9	9·6	13·0	8·9	10.4	..	42·	99·9	..	..
	North Arakan.	14	..	14	..	..	..	1	..	1	15	5	5
	Per centage..	93·3	..	93·3	..	..	..	6·6	..	6·6	99·9	..	..
	Total..	1,235	445	1,080	476	323	426	875	4	1,204	3,784	13	8
	Per centage..	32·6	11·7	44·4	12 5	8·5	11·2	23·1	·1	55·5	99·9	..	..

36. It will be perceived that compared with 1869, there has been a decrease of 263 cases, or 7 per cent in the number disposed of in 1870. The total number disposed of was 3,521 against 3,784 in the previous year. The decrease occurred under all the heads except in contested cases where under column 2 "judgment for defendant," there has been a slight increase of 7 suits, the number disposed of being 452 against 445 in 1869.

The decrease was under the following heads :—

	Decrease.	Decided in 1870.	Decided in 1869.
Decided in favour of Plaintiff	41 cases	1194 against	1,235
Exparte	11 „	465 „	476
By confession	5 „	318 „	323
„ compromise	145 „	281 „	426
Withdrawn, or otherwise disposed of	64 „	811 „	875
Referred to arbitration	4 „	„ „	4

Taking up the number of cases proportionately to the total number of suits disposed of during the year of report, it will be perceived that the total number of contested cases was equal to 46 per cent against 44 in 1869, and uncontested cases 53 against 55 in 1869

The average duration of contested cases was 19 days against 13 days in 1869, and uncontested cases was 10 days against 8 in 1869.

The per centage of cases disposed of under each head is :—

Cases decided in favour of	Plff	33	per cent against	32	per cent in 1869
Ditto	Defdt	12	„	11	„
Exparte		13	„	12	„
By confession		9	„	8	„
„ compromise		7	„	11	„
Withdrawn, or otherwise disposed of		23	„	23	„
Referred to arbitration		0	„	1	„

The decrease being in the per centage of cases decided by compromise, cases withdrawn or otherwise disposed of remained the same as in the previous year

There was no case referred to arbitration during the year of report: there were 4 cases, or 1 per cent so referred in the previous year.

Akyab district

37. The total number of cases disposed of in this district fell from 2,753 to 2,467, which gives a decrease of 286 suits which is equal to 11 per cent. The decrease has been under all the heads.

In contested cases the number fell from 1,199 to 1,128, in uncontested cases from 1,554 to 1,339.

The greatest falling off in contested cases was in the number of cases decided in favour of defendants which fell from 307 to 250. And in uncontested cases in the number disposed of by compromise which fell from 363 to 198.

No cases were referred to arbitration, while in 1869 there were 4 cases.

The average duration of the contested cases was 34 days against 13 in the previous year, and uncon

tested cases 5 days against 11 in 1869.

The per centage of cases to the number disposed of was :—

In cases decided in favour of plaintiff		35	per cent against	32	in 1869
Do.	Do defendant	10	„	11	„
Exparte		13	„	11	„
By confession		8	„	8	„
„ compromise		8	„	13	„
Otherwise disposed of		25	„	22	„

The increase in per centage appears under the following heads, *viz* :—

Cases decided in favour of plaintiff, cases decided exparte, and cases otherwise disposed of.

38. The Deputy Commissioner of the district makes the following remarks :—

"Of the 1,128 suits contested and decided after "hearing throughout, 77·84 per centum were de- "cided in favour of the plaintiff, and 22·18 per "centum only in favour of defendant, which goes to "show that in the greater majority of such cases the "plaintiff had a maintainable cause of action, and "that groundless litigation was not the rule but the "exception. No less than 435 cases have been dis- "missed by default. No deduction as to the char- "acter of the litigation can be drawn from this fact, "as so many causes may lead to a default; and it is "believed that in many cases defaults really repre- "sent cases where the claim is settled out of the "court, the parties do not take the trouble to appear "after such settlement. Instances have not been "noticed when the courts harshly exercise the law in "cases of default.

"The 200 suits decided on confession must be "placed to the credit of maintainable suits, and "taking those in conjunction with 1,128 suits de- "cided on trial in favour of plaintiff, it is found that "nearly 54 per cent of the suits were unquestiona- "bly genuine.

"In no case has arbitration been resorted to. "For reasons stated in para. 127 of last year's re- "port, probably this is not to be regretted."

Ramree district

39. In this district there has been an increase in contested cases, which rose from 240 in 1869 to 331 in 1870; but a decrease in uncontested cases which fell from 361 to 384. On the whole there has been an increase in the number of suits disposed of by 68 cases which is equal to 10 per cent. The increase occurred under all the heads in contested cases, and under all the heads but "otherwise disposed of" in uncontested cases. The cases withdrawn and otherwise disposed of fell from 202 to 138.

No cases were referred to arbitration in either year.

The average duration of contested cases was 21 days against 17 in 1869, and uncontested cases 19 days against only 9 in 1869.

The per centage of suits to the number disposed of was:—

In cases decided in favour of plaintiff	28	per cent	against	27
Do do. defendant	18	„		10
Exparte	17	„		18
By confession	7	„		6
„ compromise	7	„		4
Otherwise disposed of	19	„		32

The decrease in per centage appears to be under the following heads only, *viz*:—

Cases decided ex-parte, and cases otherwise disposed of.

Sandoway district

40. In this district there were 335 cases disposed of during the year against 392, giving a decrease of 57 cases, or 17 per cent. The decrease occurred in contested cases which fell from 227 to 171. In uncontested cases the decrease occurred in the number decided "exparte" which fell from 38 to 19, and in the number decided on "compromise" which fell from 35 to 25 in 1869. In contested cases the number decided in favour of defendant remained the same as in the previous year; while in uncontested cases the number disposed of on confession rose from 51 to 69, and the number withdrawn or otherwise disposed of from 41 to 51.

No cases were referred to arbitration in either year.

The average duration of contested cases was 8 days against 13 in 1869, and of uncontested cases 10 days against 8.

The per centage of suits to the number disposed of was :—

In cases decided in favour of plaintiff	29	per cent against	39
Do. do. defendant	21	„	18
Exparte	5	„	9
By confession	20	„	13
„ compromise	7	„	8
Otherwise disposed of	15	„	10

There was a remarkable increase in the per centage of cases disposed of under the following heads, *viz* :—

Cases decided in favour of defendant, by confession, and withdrawn or otherwise disposed of; while the number decided in favour of plaintiff, and the number decided exparte fell considerably in proportion.

41. The Deputy Commissioner of the district states:—

"From this statement it appears that the decrease "in litigation is considerable and progressive, and "that arbitration by order of the courts is not re- "sorted to. The slight increase in the cases dis- "missed in default is difficult to account for."

42. The total number of cases disposed of was 27 cases against 15 in 1869, which gives an increase of 12 suits in the number disposed of. Of this, 16 suits were contested cases decided in favour of plaintiff, and 11 uncontested cases of which 8 were disposed of by compromise, and 3 withdrawn or dismissed in default. In 1869 there were 14 cases decided in favour of plaintiff, and only one uncontested case withdrawn or otherwise disposed of. North Arakan

There were no cases referred to arbitration.

The average duration of the contested cases was 3 days against 5, and uncontested cases 6 days against 5 in 1869.

The Superintendent of Hill Tracts says:—

"No cases were pending above one year, and the "longest case pending was 18 days in the Assistant "Superintendent's court.

"No cases were referred to arbitration, nor were "any decisions of arbitrators filed under the provi- "sion of the Code. In trying cases in which Hill- "men are concerned, it is necessary sometimes to "call in assessors for the purpose of deciding points "of custom. This of course can be done by sum- "moning them as witnesses; but I am of opinion "that it is far better to have elders as assessors: the "dignity of the office being more appreciated than a "fee for attendance as a witness." *

43. The following statement shows the number of appeals instituted in the several Appellate courts for the last three years:—

Appellate Courts.	Number of appeals in 1870.	Number of appeals in 1869.	Number of appeals in 1868.	Increase		Decrease.	
				Cases.	Per centage.	Cases.	Per centage.
Deputy Commissioner's Court.							
Akyab	120	128	131	..	..	3	..
Ramree	47	22	50	25	..	..	..
Sandoway	37	45	44	..	..	8	..
North Arakan	..	..	..	..	..	..	..
Total....	204	190	225	14	7	per	cent.
Commissioner's Court.							
Regular Appeals	3	1	..	2	..	..	..
Second Appeals	12	7	11	5	..	..	..
Total....	15	8	11	7	87	per	cent.
Grand Total of Appeals...	219	198	236	21	11	per	cent.

The above shows that the number of appeals in all the courts of the division has increased by 11 per cent.

44. In the District courts of the division the number increased is equal to 7 per cent. This is

* The course recommended as to assessors is novel and certainly not called for primarily for such courts as those in the Hills. It does not exist anywhere in British Burma.

consequent on the large increase (by more than double) in the number of cases instituted in the district of Ramree, where the increase alone amounted to 25 in number against only 22 instituted in 1869.

The Deputy Commissioner of Ramree assigns no cause for this increase. In the other districts the decrease in the number of appeals is small, and calls for no particular remarks.

45. In the Commissioner's court the number of cases appealed was 15 against 8 in 1869, which shows an increase of 7 cases, or 87 per cent.

46. The only explanation necessary is on the large increase of the second appeals in 1870, and a decrease in 1869 when compared with the number instituted in 1868. The decrease of second appeals in 1869 was mainly owing to a ruling of the Chief Court dated 20th June 1867, upon the finality of the District court's decisions under Section 27 Act XXIII of 1861. The Chief Court subsequently overruled the above order in November 1869. By this ruling second appeals now lie from decisions of the District judges in cases of debt, damage and demand, though the amount at issue may be less than Rupees 500. This ruling has undoubtedly caused the increase in the number of second appeals in the year of report.

47. Besides the above appeals, there were also miscellaneous appeals preferred against the orders of the lower courts under Section 22 of Act I of 1863, and from orders not being of the nature of a decree.

There were 6 miscellaneous appeals instituted in the Commissioner's court against 8 in the previous year.

48. In the court of the Deputy Commissioner of Akyab there were 14 miscellaneous appeals preferred during the year.

49. The other District courts of the division have omitted to supply this information in their return No. 9. Instructions will be given to furnish it in future.

50. The following statement will show the manner in which the regular appeals were disposed of by the several courts.—

APPELLATE		Number of cases appealable to appellate court.	Cases appealed.		Number of cases for disposal by appellate courts including cases remaining from 1869	APPEALS DISPOSED OF									Pending at the close of 1869	Average duration
						Withdrawn transferred or struck off without trial		In favor of				Remanded for further enquiry		Total disposed of		
								Appellant		Respondent.						
			Number	Per centage to appealable cases.		Number	Per centage to appellate cases	Number	Per centage to appellate cases	Number	Per centage to appellate cases.	Number	Per centage to appellate cases			
Deputy Commissioner, Akyab	1870	2 467	120	4·8	143	2	1 3	83	23·0	83	58 0	17	11 8	135	8	33 days
	1869	2,753	123	4 4	133	11	8 2	30	22 [illegible]	51	38 3	18	13 5	110	23	66 ,,
Deputy Commissioner, Ramree	1870	692	47	6·7	48			10	20 8	36	75·0			46	2	35 ,,
	1869	624	22	3·5	22			4	18 1	16	72 7	1	4 5	21	1	3 ,,
Deputy Commissioner, Sandoway	1870	335	37	11·0	42	8	19 0	10	23 8	18	42·8	6	14·2	42		20 ,,
	1869	392	45	11 4	45	6	13 3	10	22 2	23	51 1	1	2 2	40	5	18 ,,
Superintendent of Hill Tribes, North Arakan	1870	27														
	1869	15														
Total	1870	3 521	204	5 7	233	10	4 2	53	22 7	137	58 7	23	9·8	223	10	29 ,,
	1869	3,784	190	5·0	200	17	8 5	44	22 0	90	45·0	20	10 0	171	29	29 ,,
Commissioner																
Regular and Second Appeals	1870	223	15	6 7	16	3	18 7	4	25	8	50	1	6 2	16		32 ,,
	1869	171	8	4·6	8	1	12 5	3	37 5	3	37 5			7	1	25 ,,
Grand Total	1870	3 744	219	5 8	249	13	5 3	57	22 8	145	58 2	24	9 6	239	10	30 ,,
	1869	3,955	198	5·0	208	18	8 6	47	22 5	93	44 7	20	9 6	178	30	27 ,,

51. In the first column of the statement the total number of cases disposed of by the courts of the 1st instance has been put down as the number appealable to District appellate courts, and the total number of appeals disposed of by the District appellate courts as the number appealable to the Provincial or Commissioner's court.

52. The number of appealable cases in this division amounted to 3,744 against 3,955 in 1869 Of this number only 5 per cent (219 in 1870 and 198 in 1869) were appealed against.

The number of appeals for trial (including cases pending from previous year) was 249 against 208. Of this number 239, or 95 per cent were disposed of against 178, or 85 per cent, leaving a balance of only 10 cases, or 4 per cent pending at the close of the year against 30 cases, or 14 per cent in the previous year.

The average duration of each case disposed of was 30 days against 27 in 1869.

Of the number disposed of only 13 cases, or 5 per cent were withdrawn or otherwise disposed of.

The number in which the orders of the Lower court was reversed was 57 against 47, which is the same in proportion being 22 per cent in both years.

The per centage of the number remanded for further enquiry was also the same in both years; while the number in which the orders of the Lower courts were confirmed rose from 93 to 145, or from 44 per cent to 58 per cent. This is very satisfactory.

Akyab district.

53. The number of appealable cases in this district was 2,467, of which only 4 per cent (120 cases) were appealed. The appeals preferred in 1869 was also 4 per cent.

Including pending cases of 1869 there were 143 cases for trial during the year against 133. Of this 135, or 94 per cent were disposed of, leaving a balance of only 8 cases, or 5 per cent pending at the close of the year. While in 1869, 110

cases, or 82 per cent were disposed of, and 23, or 17 per cent remained pending at the close of that year.

The average duration of each case disposed of was 33 days against 66 in 1869. This shows an improvement.

The oldest case pending was 1 monthand 6 days.

The cases disposed of in this district exhibit a good result. The number withdrawn or otherwise disposed of fell from 8 to 1 per cent. The number reversed was about the same in proportion, the number remanded fell from 13 to 11 per cent; while the number confirmed rose from 38 to 58 per cent. This result is satisfactory.

54. The Deputy Commissioner of the district says as follows:—

"The fact of the decisions of the courts of first "instance having been upheld in 71 per cent of "the appeals decided on the merits is distinctly "favourable to the courts of first instance: and goes "to show that in the greater majority of instances "justice was done.

"The column "remanded for further enquiry" in- "cludes cases remanded under Sections 351, and 354 "Act VIII of 1859. In case where an appeal is lodged "a second time against the fresh decision given, under "Section 351, or where an objection is lodged under "Section 354, the cases are included under "decided "on trial."

"Of the 157 appeals before the court for dis- "posal 149 were disposed of, leaving only 8 pending "cases. This is a great improvement on the work- "ing of the court last year, when 23 cases were "pending out of a less number of appeals.

"A great improvement is also manifest in the "average duration of appeals in 1870, as compared "with 1869. The average in regular appeals is 33 "days against 100* in 1869; and 7 days in miscellane- "ous appeals against 50 in 1869.

* Vide Return

"Of the 8 pending appeals the oldest case had "been 1 month and 6 days on the file at the close "of the year.

"The civil appellate business of the Akyab dis- "trict is possibly the most labourious work fall- "ing to the lot of the Deputy Commissioner.

"It is true the value of the litigation in Akyab is "not great: but still the number of cases litigated is "considerable, and the labour attending the decision "of a case is not necessarily proportionate to the "amount of money in question. As a matter of fact "it is found that cases which involve questions of "small pecuniary value, more particularly small "plots of land, are more intricate in their nature "than those of greater magnitude, for the reason "that the parties interested in the larger transaction "take care to have the title registered, or otherwise "freed from ambiguity: whereas the title to the "smaller property is not carefully guarded in con- "sequence of its smallness. In the sister seaports "of Rangoon and Maulmain, there are Small Cause "Courts and Recorders' Courts; and in neither "town has the Deputy Commissioner any appel- "late work connected with the towns or port. Akyab "is singular in having no special agency provided "to meet the litigation. Nothing better has ever "been designed to meet the litigation in the larger "seaport of Akyab, the capital of a large Province, "than the antiquated court of a Tsitkay, a Judge of "the old Burmese regime, whose services were "designed mainly to meet cases of Burmese law and "custom arising amongst large populations of Bur- "mese. The unfitness of such a court for Akyab "will be made apparent by the facts that 9 out of 10 "of the litigants are foreigners, whose contracts are "bound by the English laws of contract; and of "which laws such Judges from their total want of a "knowledge of the English language, either have "no idea whatever, or else a garbled notion more "mischievous than useful. It has been shown too "(supra) that the Tsitkay's court is unable to deal "with European cases, which are of necessity trans-

" ferred to the court of the Assistant Commissioner, " at best but a clumsy procedure.

" One consequence, too, of the present state of " things in Akyab is that litigious Bengalees keep " poor creditors out of small sums, by appealing " cases in which the amount involved may be Rs. 5 " or 10, mayhap wages of a boatman or the like.

" By a late ruling of the Chief court of British " Burma with reference to the meaning of Section 18 " Act I of 1863, a Special appeal can now be pre- " ferred to the Commissioner of the division against " the decision in appeal of the District court in a " claim amounting to a Rupee (or for that matter to " an anna) and Bengalees will soon take advantage " of such a rendering of the law.

" Amongst the British possessions, probably Bri- " tish Burma is singular in the state of its Civil law, " which does not provide for finality, one for all, " in the decisions of Judicial tribunals of first in- " stance, or at least in Appellate courts of first " appeal, in cases involving petty claims for debt, " damage and demand.

" It might be worthy of consideration, whether " the Deputy Commissioner of Akyab, who has such " extensive Civil, Criminal, Revenue, and Miscellane- " ous duties in one of the largest districts in Burma, " and the most difficult to travel in, is not over- " taxed ; and whether he might not be relieved of " the Civil appellate duties, at least, of the town with " manifest advantage to the general and thorough " performance of his duties."

The main topics of the above remarks should be discussed in a separate letter, or letters bringing them forward as distinct projects for the consideration of Government.

At present we are engaged here in preparing one for a Small Causes Court. I cannot see how a Deputy Commissioner, and certainly not one officer out of thirteen Deputy Commissioners, can be relieved of Civil *appellate* duties. There are districts

with more work than Akyab; Rangoon and Myanoung for instance, and probably Bassein.

55. In this district there were 47 appeals preferred out of the 692 suits disposed of by the subordinate Judges; whereas in 1869 there were only 22 appeals preferred out of 624 suits disposed of by them, showing an increase in the number instituted of a little more than double the number preferred in 1869. Ramree district

In all, there were 48 suits for trial against only 22 in 1869, of which 46, or 95 per cent were disposed of leaving 2 suits, or 4 per cent pending at the close of the year.

The average duration of each appeal disposed of was 35 days against only 3 days in the previous year.

56. The Deputy Commissioner of Ramree says :—

"The increase in the delay in the disposal of appeals is more apparent than real, the Register for "1869 having been kept in an erroneous manner. "Had it been kept correctly there would have been "much greater delay shown in the disposal of appeals."

No date is given of the oldest case pending.

The percentage of cases disposed of in both years was the same; while the per centage of the number pending was small, being only 4 per cent for 1 case.

There were no cases withdrawn or otherwise disposed of in both years; while there was 1 case remanded in 1869 to none in the present year.

The number in which the orders of the Lower courts were reversed rose from 18 per cent to 20 per cent, and the number in which their orders were confirmed rose from 72 per cent to 75 per cent.

The Deputy Commissioner makes no remarks under this head. The general result is, I observe good.

Sandoway district

57. The per centage of appeals preferred from the orders of the Subordinate courts was the same in both years: the number instituted being 37 against 45 in the previous year; and the number of appealable suits being 335 against 392.

Including pending cases of previous year there were in all 42 suits for trial, the whole of which was disposed of leaving none pending at the close of the year against 5 in 1869.

The average duration of each case disposed of was 20 days against 18 in 1869.

The number of cases withdrawn or otherwise disposed of rose from 13 to 19 per cent: remanded from 2 to 14 per cent. reversed from 22 to 23 per cent; while the number confirmed fell from 51 to 42 per cent.

The result is not creditable to the officers against whose orders the appeals were preferred.

The Deputy Commissioner has offered no remarks under this head.

North Arakan

58. No appeals were preferred to the Superintendent in this district.

Provincial Court

59. From the 223 appealable cases decided by the Deputy Commissioners of the districts, 15 appeals, regular and second, were preferred to the Commissioner of the division which is equal to 6 per cent upon the total number of appealable cases against 4 per cent to the number in the previous year.

There were 16 cases for trial during the year, 3 cases were withdrawn or otherwise disposed of; 1 remanded; 4 reversed; and 8 confirmed, leaving none pending at the close of the year.

The average duration of each case was 32 days against 25 in the previous year.

The small increase of delay is attributable chiefly to the much longer time taken in bringing up the records from the Southern districts whence the cases were appealed, and the delay in having the

summons to be served after perusal of the records under Section 14, Act I of 1863. There were no less than 5 second appeals preferred from the remote station of Sandoway, in 4 of which the summons had to be served; consequently each case was detained on an average no less than 3 months on the file from the date of the institution to the date of the final order, a delay absolutely unavoidable.

On the whole the result with regard to appeals from the orders of the Deputy Commissioners in a general view is satisfactory when compared with the previous year: for, of the cases disposed of on trial, in 25 per cent the orders of the Deputy Commissioners were reversed, and in 6 per cent remanded; while in 1869, 37 per cent were reversed, and none remanded. In like manner in 50 per cent the orders of the Lower appellate courts were confirmed; while in 1869 only 37 per cent.

60. The above appeals were preferred from the decisions of the following named officers, and disposed of in the following manner:—

Name and Designation of officers	Number of appeals for trial.	Reversed, modified, remanded.	Confirmed	Otherwise disposed of	Total
Akyab					
W DeCourcy Ireland, Esquire, Deputy Commissioner,					
Regular appeal	3	3			3
Second appeal	7		6	1	7
Total	10	3	6	1	10
Ramree					
J K Macrae, Esquire, Deputy Commissioner					
Regular appeal					
Second appeal	1		1		1
Total	1		1		1
Sandoway					
J Treacy, Esquire, Deputy Commissioner					
Regular appeal					
Second appeal	5	2	1	2	5
Total	5	2	1	2	5
Total of all	16	5	8	3	16

61. From the above it will be observed that the 3 regular appeals preferred from the orders of Mr. Ireland were reversed or modified; while out of 7 second appeals from his decisions 6 were confirmed, and 1 otherwise disposed of. The result is satisfactory: the 3 regular appeals were cases of peculiar complication or difficulty.

The only appeal preferred from the order of Mr. Macrae in Ramree was confirmed.

Of 5 appeals from the orders of Mr. Treacy, 2 were otherwise disposed of; while his orders in only 1 case was confirmed, but 2 reversed.

This is apparently not satisfactory; but as a rule Mr. Treacy's cases are well tried and shew a good judgment.

Miscellaneous appeals

62. All the miscellaneous appeals instituted in the District court of Akyab were disposed of during the year.

Of the number disposed of *viz*: 14, 3 cases were dismissed in default or otherwise disposed of; while 11 were disposed of on trial. Of this number 4 cases were remanded, and the order in one case was reversed; while in 6 the orders of the Lower court were confirmed.

63. In the Provincial court all the 6 miscellaneous appeals instituted were disposed of during the year, in 3 the orders of the District appellate Judge were confirmed, and in 1 only reversed, 2 were dismissed on default or otherwise disposed of.

64. The following statement shews the execution of decrees of the courts:—

Courts	No. of application for execution	Executed		Pending	Imprisonments of persons.	Moveable property attached	Do sold	Immoveable property attached	Sold.
		Completely	Partially						
Local and Sub-divisional Courts									
Akyab	939	478	438	23	17	136	74	63	49
Ramree	182	106	76		28	36	9	64	19
Sandoway	106	61	43	2	2	11	6	5	2
North Arakan									
Total	1 227	645	557	25	47	183	89	132	70
District Courts									
Akyab	2		2					1	
Ramree									
Sandoway									
North Arakan									
Total	2		2					1	
Total Akyab	947	478	440	23	17	136	74	64	49
Total Ramree	182	106	76		28	36	9	64	19
Total Sandoway	106	61	43	2	2	11	6	5	2
Total North Arakan									
Grand Total	1,229	645	559	25	47	183	89	133	70

65. From the above it will appear that there were 1,227 applications for execution of decrees in the Subdivisional courts, and 2 only in the District courts.

In 645 cases, decrees were completely executed in all the Courts. In 559 cases decrees were partially executed, leaving 25 cases pending at the close of the year.

Persons in 47 cases were imprisoned the largest number imprisoned being in Ramree amounting to 28, and the smallest number in Sandoway to 2 only, in all 47.

The number of moveable properties attached was 136 in the district of Akyab, 36 in Ramree, and 11 in Sandoway, in all 183; and moveable properties sold were 74 in Akyab, 9 in Ramree, and 6 in Sandoway, in all 89.

Immoveable properties attached were 64, 64, and 5 in the districts of Akyab, Ramree and Sandoway respectively. While immoveable properties sold were

49 in Akyab, 19 in Ramree, and 2 in Sandoway.

On looking to the return of 1869 it will be perceived that a greater number of applications was filed in the Courts of original jurisdiction in 1869 than in the year of report.

A greater number of persons was imprisoned, and a greater number of moveable and immoveable properties attached.

The excess in the number of applications in the return of 1869 was caused by a large number being filed in the district of Sandoway. While under head "imprisonment" and "sale of moveable and immove-"able property" the increase was caused in the Akyab district.

Akyab district

66. The Deputy Commissioner of Akyab makes no remarks under this head.

Ramree district

67. The Deputy Commissioner of Ramree also makes no remarks.

Sandoway district

68. The Deputy Commissioner of Sandoway says:—"There were 106 applications for sums "amounting to Rupees 6,197-10-9 only."

North Arakan

69. The Superintendent says:—"Execution was "not required in any case."

But I request attention to Mr. St. John's remarks in the 29th para. regarding decrees for servitude which he advocates. I have only to say that I do not advocate such a system.

I may again quote with propriety my remarks on the subject of execution of decrees last year.

"These remarks are much such remarks as I have "had occasion to make before. The execution of de-"crees does not require in Burma, the careful watch-"ing and special reporting which are called for in In-"dia: collusive decrees are very much rarer. In "fact there is nothing calling for special remarks in "this department of public justice in Arakan at "least."

Miscellaneous cases

70. In addition to suits, appeals and applications above set forth, the courts disposed of several petitions for review of judgment, applications to sue in *formâ pauperis*, applications for letters of administration or probate, &c.

Akyab district

71. The Deputy Commissioner of Akyab says as follows:—

"No comparison can be instituted between the "number of miscellaneous suits decided in 1869, and "those shown in the revised forms now submitted for "1870, as Statement No. 10, Civil, shews as miscel- "laneous suits only those connected with the execu- "tion of decrees; whereas there are miscellaneous "civil cases connected with various other subjects, "such as applications for letters of administration, "care of persons and property of minors, attachments "before judgment, and the like.

"From other returns submitted to the District "court the particulars in which do not fully appear "in the new forms, it is found that the miscellaneous "cases in the present and past year stand as "follows:—

"1869	2,246
"1870	1,746
"Decrease in 1870 ...	500

"In paragraph 11 of the report on the administra- "tion of Civil Justice in this district for 1869, it was "shewn that the increase of miscellaneous cases in "that year was due to two causes, namely numer- "ous applications for administration to estates of de- "ceased persons, consequent on the great mortality "by cholera; and secondly to the great increase in "regular civil suits. In the present year the de- "crease is concurrent with the decrease in litigation "generally, and also, is due to the fact that no extra- "ordinary cause for an increase, such as extensive "mortality, or the like existed. Thus in the present "year 915 cases for execution of decree were filed "against 911 in 1869, shewing that the cases in the

"year followed to a great degree the decision of the "regular suits, and did not depend on extraneous "causes."

Ramree district

72. The Deputy Commissioner of Ramree says — "In addition to the suits, appeals and applications "above set forth, the courts disposed of 51 cases of "objection to attachment of property in execution of "decree, 9 applications for letters of administration, "and 156 other miscellaneous cases."

Sandoway district

73. The Deputy Commissioner of Sandoway says:—"The courts disposed of 15 petitions for re- "view of judgment, 4 applications to sue in *formâ* "*pauperis*, and 2 applications for letters of adminis- "tration."

North Arakan

74. There were 6 miscellaneous cases in Northern Arakan, the nature of which is not mentioned.

75 The following statement shews the average costs of suits, and the per centage of costs to value in the districts of Akyab, Ramree and Sandoway —

District	No of original suits disposed of	Aggregate value of suits	Aggregate cost of suits.	Average value of each suit.	Average cost of each suit	Per centage of costs to value
Akyab						
Subordinate courts	2 404	1 83,588 14-6	20,044 1 0	74 55	10 56	14 [illegible]
District court original jurisdiction	3	27 300 0 0	3 496 0 0	9 100-0 0	1165 3	12 8
Total.	2 407	2,10,888 14 6	29 540-1-0	85 48	11 97	14 07
Ramree district	692	33,731 0 0	6 394 0 0	48	9	18 7
Sandoway district	330	12 471 6 2	3 178-8 8	37 11	9 44	25 44

* The Superintendent of Northern Arakan omits information in his report

76. The Deputy Commissioner of Akyab says:—

"The per centage of costs to the value of suits is "greatest in the courts of the subordinate Judges "for the reason that the expenses for service of pro-

" cess in the interior are greater than at head-quar-
" ters, involving as they do, boat hire, subsistence
" for lengthened periods, and similar charges. It is
" invariably the case that the per centage of costs to
" value of suit is greatest when the amount litiga-
" ted is small; because it costs exactly the same to
" serve processes, and do other necessary acts in a
" suit for Rs. 5 as in a suit for Rs. 5,000.

" The per centage of costs in the District court in
" its original jurisdiction is less than that of the
" other courts in consequence of the witnesses be-
" ing all in the vicinity of the court; and also in
" consequence of cases in the District court turning
" mainly on questions of law, and not involving the
" taking of much evidence."

77. The Deputy Commissioners of the other districts make no remarks under this head.

I may remark that the costs in Akyab appear fair and moderate; not so in Ramree, and that in Sandoway they are so high as to demand special explanation which will be called for.

78. The number of deeds registered and the amount of fees collected are shewn below :—

Names of Registering Office	Obligation for payment of money not secured on real property	Other personal contract.	Receipts and other acquittance	Lease.	Deeds of sale, mortgage, gift, &c.	Wills.	Amount of fees received	Actual cost of Registering office.
Akyab . Head-quarters .	6	134	.	1	80	.	454	24-12-0
Akyab . Naaf .. .	..	.	..	.	74	.	148	. ..
Ramree	..	.	..		4	..	8	.....
Sandoway	3	..	..	.	.	..	6	.....
Total ...	9	134	.	1	164	.	616	24-12-0

There were 308 deeds of all sorts registered in the division against 222 in 1869. The amount of fees received was Rs. 616 against 438 in 1869.

In the year under review 9 deeds were registered regarding obligations for payment of money not secured on real property, 134 deeds on other personal contracts, 1 lease, 164 deeds of sale or mortgage, &c., and no wills.

Akyab district. 79. In this district there are two registry offices *viz*: one in district head-quarters, and the other at the Naaf.

At the District head-quarters 227 deeds of all sorts were registered, the largest number registered being 134 under the head "other personal contracts," and 86 under head "deeds of sale or mortgage, &c." The actual cost of registry offices was Rs. 24-12-0. At the registry office of the Naaf there were in all 74 deeds registered, fees obtained Rs. 148: there was no cost for this office.

Registration of Deeds. 80. The Deputy Commissioner of Akyab says as follows:—

"In the report for 1869 paras. 137, and following, it was shewn that the office for registration of deeds had been discontinued at the Naaf. From the commencement of 1870 the Naaf registration of deeds office has been opened: on examining the books some days back they were found well and neatly kept.

"Discussion of the success or otherwise of the local registration rules applicable to Burma is now not of much interest, as the Registration Act of 1871, which will come into force in July 1871, will entirely revolutionize the registration system here, and render registration in some cases compulsory which it had not been before. The following table exhibits the working of the registration office at Akyab, under the senior Assistant Commissioner. The return for Akyab (which alone states the value of property secured,) shews a decrease of one document registered in the per-

" manent conveyance register, and an increase of " 13 documents of a temporary nature, leaving a " net increase of 12 documents registered. The de- " crease in amount secured amounts to Rs. 92,074. " The note* appended to the statement by the Re- " gistrar of deeds, explains that fact. In the case " of the Naaf registry office no comparison can " obviously be made; but 74 documents are shewn to " have been registered there. Generally registra- " tion has not been in favour amongst the people; " for, if from the whole number of documents regis- " tered in the large town of Akyab 227, 75 re- " gistrations of Thoogyees security bonds, rendered " compulsory by an order in the Revenue depart- " ment be deducted, the insignificant number of 152 " documents of all kinds registered remains.

" The registers of both the offices for registra- " tion of deeds were examined and found to have " been well kept; Index No. 1 which was reported " in para. 146, of last year's report as not having " been kept up has since been prepared."

Ramree district.

81. In this district there is one registry office only at the head-quarters, 4 deeds of sale or mortgage only were registered, the amount of fees received was Rs. 8; there was no actual cost of registry office.

The Deputy Commissioner of Ramree makes no remarks.

Sandoway district.

82. In this district also there is one registry office only, at the head-quarters; 3 deeds only were registered regarding " obligation for payment of money " not secured on real property;" the amount of fees received was Rs. 6; no actual costs were disbursed.

The Deputy Commissioner of Sandoway makes no remarks.

North Arakan.

83. There were no deeds registered in this district.

---

* The last clause of those notes regarding Register III is not understood, especially as to the reference to a full power of attorney

(Sd.) J. F. J. Stevenson, Commissioner of Arakan.

It is beyond doubt that registration, as it at present exists, is not in favour with the people. To some extent the simplicity of their transactions, or their simple mode of dealing accounts for it; land even now is occasionally found to be under verbal mortgages; wills are I may say generally by word of mouth among the Burmans; and where there are documents, distance from the single registry office of a district, delays which unfortunately must occur sometimes in getting documents registered, and the expense which trifling as it is, is generally regarded as unnecessary; which in a majority of cases it really is, sufficiently accounts for the paucity of registration transactions.

84. There were no cases reported in which Government was a party.

85. The security of Nazirs has been reported to be good and sufficient

86. The registers and records of the Deputy Commissioner of Ramree were examined by me in December last, and those of Sandoway and Akyab since the close of the year

I have directed the attention of officers to some irregularities and inaccuracies; especially as to keeping their letters, proceedings, &c. "received" in files instead of docketed packets. The books generally are well kept.

Akyab district.

87. The Deputy Commissioner of Akyab makes the following remarks under this head.—

"The records of all the courts in the interior "were examined during the tours of the Deputy "Commissioner in the district.

"They were generally found to be well and carefully kept: on the contrary those in the court of "the senior Assistant Commissioner, Akyab, were "in a very unsatisfactory state, both during the "incumbency of Captain Prendergast and Mr. Midwinter. Full instructions have been given in

"order to prevent a recurrence of such carelessness. "The records in the court of the Tsitkay were well "kept.

"The record room was thoroughly over-hauled "during the year, and it was found that the white "ants had established themselves in all the old "shelves, and racks which consequently had to be "discarded. Many of the bundles of records were "found completely hollowed out. The old racks "were removed; but owing to want of funds have "not yet been fully replaced. During the present "year the record room will be put in as thoroughly "good a state as the old building will allow of. "Several new and indispensable law books were "added this year to the library, and a new cata-"logue was opened. Owing to a want of good almi-"rahs, and to the crowded state of the present "buildings, used as a court, the library is not as "neat as it should be."

88. The Deputy Commissioner of Ramree says :— Ramree district
"The records of the Lower courts were all exam-"ined by Mr. Macrae and found correct."

89. The Deputy Commissioner of this district, Sandoway district says :—

"All the courts have been examined by the "Deputy Commissioner and found in fair order."

90. The Superintendent of North Arakan says :— North Arakan
"The registers of the Lower court on examination "have been found correct, and the records properly "preserved."

In the building temporarily occupied by the courts of Akyab the current records are fairly kept the rooms have recently been thoroughly cleaned out and white-washed.

The injury which has occurred to the old records of the Deputy Commissioner's court (kept in the old treasury building), must be attributed I think to the want of a sufficient establishment. There is a Record-keeper for the Revenue department, but not for the

Judicial. This department is unreasonably short-handed throughout Burma. In my own court I have only two clerks, one called a Sherishtadar, and a vernacular writer: it is impossible that records can be properly kept without a Muhafiz whose sole duty it is to look after them. My own are in an unsatisfactory condition.

Arbitration

91. I have nothing to add to my remarks last year, which I again submit:—

"I have further to observe that the preference "shewn for our courts affords a fair presumption "that they are regarded as the best means of obtaining "justice, and I am decidedly of opinion that they "are so. My own experience is that in Burma there "is really no particular inducement to have recourse "to arbitration except when under extraordinary cir-"cumstances such as I have occasionally known, there "is such a delay in the decision of suits as amounts "almost to a failure of justice. The law favours arbi-"tration: the Sections of the Code which relate to it "simplify and assist its procedure so markedly that "it seems obvious that the Legislature had some "special abuses of court procedure, or the administra-"tion of justice in India in view in laying down such "rules. Supposing that such abuses were in view, "I may say that they do not exist in Burma.

"Arbitration is not in demand in Burma; not that "arbitrators are likely to be more corrupt if so cor-"rupt as elsewhere not that our Subordinate Judges "are distinguished by superior knowledge and ac-"tivity, nor that the people are specially litigious and "prefer courts; but mainly I think because justice is "fairly and speedily administered. There are not "the Amla about our courts which rightly or wrongly "certainly have the reputation of making money "directly and indirectly out of suitors in the courts "of India, and I may add further because the laws "and usages of the country as regards inheritance, "marriage and divorce are so much less complicated "in Burma than in India, that suitors find as a mat-"ter of course that there are rarely any special diffi-

"culties in the way of a speedy and satisfactory deci-
"sion of their claims by authoritative decrees of
"court."

92. I have already remarked above on Court fees' Act. I had the honour of submitting a full report on the subject in No. 49, of 9th September 1870. Stamp Act

The Superintendent of North Arakan makes the following remarks under this head :— North Arakan

"Stamps are not required, but there is no reason
"why they should not be in all cases when Ara-
"kanese or other people from the plains are concern-
"ed as plaintiffs."

I am not disposed yet to advocate this measure. The whole question of law and procedure for these tracts will have shortly to be discussed in detail with a view to Legislative sanction.

92½. I solicit attention to the following passage in report from the Hill Tracts :—

"The court of the Superintendent being the Dis-
"trict court has always been assumed to have all
"the powers of a District court; but Section 6 of
"Act I, of 1863, does not permit District courts to
"receive suits of a less value than Rs. 5,000 unless
"empowered under Act XXIV of 1863: this power
"has never been given, but has nevertheless been ex-
"ercised, for the Assistant Superintendent being an
"Extra Assistant of the 3rd class, is only empowered
"by the Act to receive suits up to Rs. 500. The
"Superintendent should be empowered to receive all
"cases, and the Assistant Superintendent ought to
"be empowered to try cases up to Rs. 3,000, without
"reference to his status in the commission."

Upon this I have to remark that the Superintendent of Hill Tribes should undoubtedly be empowered under Act XXIV of 1863, to try all cases. I should go no further than this at present.

93. With regard to the character and qualification of the Subordinate officers, the Deputy Com-

missioners of the districts make the following remarks :—

Akyab district

94. The Deputy Commissioner of Akyab says:—

"Mr. W. C. Midwinter Officiating Assistant Commissioner 3rd Grade, held charge of the Senior Assistant Commissioner's court from 1st January to 19th September 1870."

"Captain C. O' L. Prendergast, Officiating Assistant Commissioner 1st grade, was added to the district, and assumed charge of the Senior Assistant Commissioner's court on the 20th September 1870, and held it to the end of the year."

* * * *

* * * *

"Moung Kulla, Extra Assistant Commissioner had charge of the Naaf Township up to 19th April 1870. On his superannuation Shwe-taw was promoted, and placed in charge of the township."

* * * *

* * * *

95. * * * *

96. * * * *

97. * * * *

98. * * * *

REPORT

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE,

FOR 1870.

PEGU DIVISION.

Introduction

With this report are sent up statements as follows, *viz* :—

Judicial No. 6.—Showing the number and description of *Civil* suits instituted in the several Civil courts.

No. 7.—Showing value of suits disposed of in the several *Civil* and *Revenue* courts.

No. 8.—Showing the general result of the trial of *Civil* suits in the several courts of *Original Jurisdiction.*

No. 9.—Showing the business of the several *Civil* and *Revenue Appellate* courts.

No. 10.—Showing the execution of decrees of the *Civil* and *Revenue* courts in the Province.

No. 11.—Showing use of Juries and Assessors in the *Civil* and *Criminal* courts in the Province.

No. 12.—Deeds registered in the several Registration offices of the Province.

2. The above exhibit the work done by five, out of the six classes of Civil Courts working under Act I of 1863.

The Small Cause Court in the Cantonment of Rangoon is not under the control of the Commissioner and submits its report elsewhere.

3. The present report embraces the following :—

I. APPEALS.

i.—*Divisional Court of Appeals.*

a. Second Appeals.

b. Regular Appeals.

ii.—*District Courts of Appeals.*

II. ORIGINAL SUITS.

i.—*Civil Suits.*

ii.—*Revenue Suits.*

4. During the year the Toungoo district was transferred to Tenasserim, and the Prome district divided into two, called severally Prome and Thayetmyo.

I Appeals i—Divisional Court of Appeal

5. Colonel Ardagh the Commissioner of the division was Judge of of the Provincial Court (5th grade) during the year. He availed himself of privilege leave on the 27th December; but as this was during the Christmas holidays no work was done by his *locum tenens* during the remaining few days of the year.

The Judge of this grade of court does not exercise any original jurisdiction.

a Second Appeals

6. Those as compared with the preceding year were :—

	1869.	1870.
Pending at close of year.....	8	3
Instituted.....	32	43
Total	40	46
Disposed of.....	37	34
Pending.....	3	12

7. The number of second appeals pending at the close of the year (12) appears large; but 8 of them were instituted in the month of December and two in November. The remaining two dated from September were from Prome district.

8. The above were from the following districts and decided as below :—

From what District Court	Tried in 1870	Rejected	ORDER			Otherwise disposed of	
			Confirmed	Modified	Reversed		
Rangoon	8		3	1	3	*1	*Remanded
Bassein	3		2		1		
Myanoung	2		1	1			
Prome	14	1	12		1		
Thayetmyo	5		4	1			
Toungoo	2		1		1		
Total	34	1	23	3	6	1	

9. The proportion of confirmed to rejected cases was as below :—

	1869		1870	
	No	Per cent	No	Per cent
Rejected and decided in favour of the Respondent	25	67 57	24	70 58
Decided exparte and in favour of the Appellant	8	21 62	9	26 47
Otherwise disposed of	4	10 81	1	2 95
Total	37	100	34	100

10. The duration of second appeal cases on the file was 1 month 27⅓ days, being 2⅓ days more than in the previous year. The causes that were noted in my reports in the two previous years still apply to the length of duration of second appeals in the Commissioner's Court.

11. With the view of shortening the time required now to dispose of a case, I still think that in all cases of small value say 500 Rs. and below, without drawing a distinction between suits involving the title to land and other suits, the hearing of appeals should be allowed to follow the procedure laid down for criminal appeals, and the case be

decided on its receipt on the record without requiring the appearance of the appellant, unless in cases where it is necessary to call the respondent.

12. The total value of the property litigated in 2nd appeals instituted during the year amounted to Rs. 5,860, or on an average about Rs. 136 per suit: only 14 suits exceeded this average, and one was as low as Rs. 6 in value. In 1869 the value of the suits in 2nd appeal was Rs. 9,442.

6 Regular Appeals

13. There were 6 regular appeals instituted during the year

3	from	Rangoon	valued at	Rs. 1,550
1	„	Bassein	„ „	2,231
1	„	Prome	„ „	—— A Guardianship case
1	„	Thayetmyo	„ „	25,000

The decisions in 4 of the above cases were confirmed, the two remaining instituted on the 24th December, (the day before the Christmas holidays) were pending at the close of the year. The average duration was 2 months and 8 days.

II District Courts of Appeal

14. The revenue appeals shewn in statement No. 9 belonging more properly to the Revenue report will be noted in that.

15. No assessors were made use of in any but criminal sessions cases.

16. The following were the District officers having Civil appellate powers during the year:—

RANGOON.....	Lieut. Colonel Davies.
BASSEIN.....	Captain Pemberton.
MYANOUNG...	Captain Plant.
PROME.....	Lieut. Colonel Horace A. Browne to 31st March.
	Major Munro from 1st April.
THAYETMYO...	Lieut. Colonel Horace Browne from 1st April.

The Toungoo district as already noticed, was transferred to the Tenasserim division.

17. The appeals heard by the district appellate courts were as below :—

Districts.	Pending.	Instituted and received by transfer.	Total	Disposed of.	Pending
Rangoon.. ..	1	81	82	71	11
Bassein.. ..	53	137	190	184	6
Myanoung . ..	2	144	146	146	..
Prome.. ..	7	215	222	219	3
Thayetmyo.. :	..	81	81	78	3

In the above however are included 9 cases which were handed over by the Deputy Commissioner of Prome to the Deputy Commissioner of Thayetmyo, on the division of the former district into two.

18. Of the total (721 cases) 611 were contested.

19. The following table gives the per centage of cases in which the decisions of the lower courts were confirmed or upset :—

Districts.	Decision upheld.	Decision modified or reversed.	Otherwise disposed of	Pending
Rangoon..	39·02	47·57	..	13·41
Bassein..	66·84	30·00	..	3·16
Myanoung..	67 12	32 88	..	..
Prome..	59·46	35.14	4·05	1·35
Thayetmyo.. . ..	56·79	39·51	.	3·70

20. The average duration of appeal cases pending in the courts of the Deputy Commissioners was :—

In Rangoon .....43 days.
Bassein ... ...29 do.
Myanoung.....11 do.
Prome..... ...30 do.
Thayetmyo ...38 do.

21. Compared with the previous year, there has been a very great improvement in the average duration of cases in the districts of Rangoon, Bassein and Myanoung, particularly the last which has been brought down by the exertions of Captain Plant, from 102 days to 11 days (the lowest on the list.) The Deputy Commissioner of Thayetmyo would appear to have made one average for all his cases both appeal and original.

11 Original Suits.
1 Civil Suits

22. The Deputy Commissioners of districts, as courts of first instance disposed of original cases as below :—

Districts	Pending	Instituted or received by transfer	Total	Disposed of	Pending
Rangoon	2	13	15	15	
Bassein		1	1		1
Myanoung					
Prome		3	3	3	
Thayetmyo		5	5	5	
Total	2	22	24	23	1

23. The Rangoon Deputy Commissioner had an average of 17 days in the decision of these cases. The Deputy Commissioner of Bassein, does not give his duration ; but notes that his 1 case was pending the return of a commission. In Prome the average time taken to decide an original case in the Deputy Commissioner's court was 88 days. The Deputy Commissioner explains that this high average was due to delay in disposing of one of his cases in which a commission had to issue. The Thayetmyo Deputy Commissioner took on an average 38 days.

24. The following were the Assistant Commissioners and Extra Assistant Commissioners during the year who were Judges of the Sub-divisional tribunals. The table shows the districts in which they worked during the year :—

Names	Rangoon	Bassein	Myanoung	Prome	Thayetmyo	
Assistant Commissioners						
Captain Forbes			1			Tharrawaddy Sub division
Mr Hind				1		Prome
,, Clifford Lloyd	1					Bassein afterwards Twantay Sub-division
,, Gower	1					Rangoon Town
,, Duke	1					Yandoon Sub-division
Lieutenant Poole			1			Myanoung, do
Mr Perreau		1				Bassein
Lieutenant Cooke				1		Poungday
Do Alexander					1	Thayetmyo
Mr Man			1			Prome, afterwards Henzada
Lieutenant Baynes		1				Ngatheinghyoung
Extra Asst Commissioners 1st Class						
Moung On	1					Pegu
Moung Kyau Doon			1			Donahyoo
Moung Shwè Bya		1				Bassein
a Moung Hmai		1				a Died
Moung Gyee						Pantanau
Moung Kan Baw		1				Laymyethna
Extra Asst Commissioners, 2nd Class, or Tseitkaes						
Moung Shwè Yeen			1			Kanaung
Moung Kyaw Zan Hla				1		Prome
Moung Tsouk				1		Mengdoon
Extra Asst Commissioners, 3rd Class, or Myookes						
Moung Galay	1					Hlyne
Moung Wyke				1		Shwè Lay
Moung Tsan Nan				1		Mahathaman
Moung Myeet			1			Zaloon
Moung Hpo			1			Tsanuyway
Moung Tsan Da	1					Engtay
Moung Shwè Att	1					Thongwa
Moung Shwè Thee	1					Yandoon
Moung Shwè Ya		1				Theegweng
Moung Hpo Kau			1			Henzada
Moung Louk Gyee				1		Shwè Doung, since pensioned
Moung Hmay				1		Poungday
Moung Tet Phyo					1	Myayday
Moung Hpan			1			Kyangbeng
Moung Shwè Mya			1			Monio
a Moung Tha Doon Oung	1					a Pensioned
Moung Min Gyan						Syriam
Moung Tsan Hla Baw		1				Tsabbayeng
Moung Wike	1					Angyee
Moung Pan Bhyoo	1					Zyneganyne since pensioned
Moung Galay		1				Myoungmya
a Moung Tsan Ya		1				a Pensioned
Moung Loogalay						Shwè Loung
Moung Hpoo			1			Tahpoon
Moung Min Gyaw			1			Mengyee
Moung Shwè Myat		1				Yay Gyee
Moung Yo	1					Phyapon
Moung Shwè Kyee					1	Thayetmyo
Moung Then				1		Padoung
a Moung Phay		1				a Pensioned
Moung Pho Mya						Khyoungtha
Moung Shwè Lok					1	Kama
a Moung Doon	1					a At 31st March pensioned
Moung Shwè Pay						Hinaubee
Moung Loo Gyee			1			Okpho
Moung Pho		1				Ngapootau

25 The total Assistants in each district was —

	Rangoon	Bassein	Myanoung	Prome	Thayetmyo	Total
Assistant Commissioners	3	2	3	2	1	11
Extra Assistant Commissioners 1st Class	1	3	1			5
Extra Assistant Commissioners 2nd Class			1	1	1	3
Extra Assistant Commissioners 3rd Class	9	7	8	5	3	32
Total	13	12	13	8	5	51

26 The number of Civil original suits disposed of by the above officers was —

	Pending	Instituted	Total	Disposed of	Pending.
Rangoon	62	2 421	2 483	2 4 0	63
Bassein	27	3 146	3 173	3 169	4
Myanoung		1 606	2 606	2 605	1
Prome	68	2 344	2 412	2 3 0	42
Thayetmyo	17	796	813	7 5	38
Total	174	11 313	11 487	11 339	148

27 The average time taken to decide these cases was —

	Rangoon	Bassein	Myanoung	Prome	Thayetmyo
Contested cases	17	10	6	17	9
Uncontested cases		7	3	8	6

28 Of the contested cases 4,007 were given in favour of plaintiff, and 1,388 were given in favour of defendant, total 5,395 The remainder were either dismissed in default, withdrawn, compromised, decreed on confession, or decreed, or dismissed *ex parte*

Twenty cases also were "transferred." (Note—147 cases are returned as having been referred to arbitration)

29 The total value of the Civil suits disposed of in the several districts, amounted to Rs 8,66,204.

30. The total number of applications to execute civil decrees was as below —

In Districts courts	58
In Sub-divisional courts	2,443
Total...	2,501

Of these there were 105 only pending at the end of the year.

31. Attachment of person was granted in 218 cases.

Property was sold as below :—

Moveable in..... 590 cases.
Immoveable..... 133 „

32. No cases were tried with the aid of assessors in any of the Civil courts.

33. There were 1,796 cases tried on the Revenue side, of which 550 by the Subordinate courts and 1,246 by the District courts, the value involved being Rs. 97,374. Of these 1,769 were disposed of, and 27 pending at the close of the year. II Revenue Suits

34. Of the disposal of cases 707 were contested, judgment being given in 311 of these for the plaintiff, and in 396 for the defendant. The average duration was 6 days in each contested, and 4 days in each uncontested case.

35. The books of the several Deputy Commissioners were examined by the Commissioner on circuit. Those of the subordinate courts were examined by the several Deputy Commissioners on their tours in the interior. General Remarks

36. Offices for the registration of deeds were maintained in the districts at the following towns :—

RANGOON ...	Rangoon.
BASSEIN ...	Bassein.
	Pantanaw.
	Leymyethna.
MYANOUNG.	Henzada
	Myanoung.
	Donabew.
PROME... ...	Prome.
THAYETMYO.	Thayetmyo.

There were registered

Obligations for payment of money not secured in real property.....	Deeds. 246
Other personal contracts	23
Receipts and other acquittances...	30
Leases.....	2
Deeds of sale, mortgage, or gift of real property.....	934
Wills.....	5
Authorities to adopt.....	99

37. The rules under which these offices worked, were local provincial. The Registration Act did not come into force until the middle of 1871.

Observations of the Deputy Commissioners

38. In my annual report on Criminal justice I have noticed the desirability of having a Local Law for the registration of divorces amongst the Burmese.

39. Colonel Davies in noticing the suits for dissolution of marriage, and for the enforcement of matrimonial rights in his district, remarks on "the "lightness with which the matrimonial links are "viewed by the people. Yet to this very cause" (he says) "may be attributed the high moral tone "of the country people generally, and the prevail- "ing chastity of the women."

40 While he thinks it remarkable "that only "136 married couples (in his district) appear to have "had such incongruity of temper (or from other "causes were so desirous of separation) as to take "the small amount of trouble which is requisite to "obtain a legal separation or enforcement of con "jugal rights." Captain Pemberton, the Deputy

Commissioner of Bassein says that "suits for disso-
"lution of marriage have largely increased, for
"which it is difficult to account, though the scarcity
"of money may have contributed to it.

41. The number of suits, I observe is :—

	Rangoon	Bassein	Myan oung	Prome	Thayet-myo
For dissolution of Marriage	127	424	20	158	50
For restitution of congugal rights	9	17	90		

42. What my Deputy at Myanoung, Captain Plant says is:—"Year by year suits for divorce are "becoming fewer. In 1870 there were only 119 "against 176 in 1869, (a decrease of 57). This is a "happy feature, and the Stamp Act (XVIII of "1869) has had something to do with it no doubt; "but is to be feared that divorces at the mutual "wish of parties shall take place and are ratified by "the village elders as the *lex loci* permits. As ci-"vilization progresses the domestic habits of the "people will improve and less divorces take place. "It is a matter for regret that the marriage tie in "Burma is so slight and easily undone."

43. My own opinion is that the footing on which the Burmese marriage and divorce laws stand at present, is a fertile source of unhappiness leading not unfrequently to murder. A couple have a misunderstanding and go before the Loogyees of the village, or before the Myo-oke. While the matter is hot each allows it to go on, until a separation is decreed.

To show the husband she does not care, the wife takes up with the first man who offers himself, or else refuses to allow the divorced husband, who has become repentant to come back to her. The consequence over and over again has been that the woman is cut down and killed, and the husband tried for the murder and hanged A divorce law that would require a certain amount of form to be gone through, and time before the order of separa-

tion allowed of the woman or man to consider themselves as finally divorced (thus giving leisure to the parties to cool down and think better of it,) is one of the things wanted to prevent what is described above.

Arbitration

44. Arbitrators are called in by the Burmese not only in the settlement of their matrimonial differences, but to decide between them in small civil matters: these arbitrators are spoken of as follows by the Deputy Commissioners:—

45. Captain Pemberton notices that "this class "of case is in favour and is spreading, *viz.*, that in "which persons have the matter in dispute settled "by elders whose award is then brought into court "and a decree passed on it.

This is of course the mode of settling disputes which he says has obtained from time immemorial amongst the Burmese, and especially so in villages whose inhabitants do not care to leave their work to dance attendance at court. But it is only of late years that they have taken advantage of the procedure which allows these awards to attain the force of a decree of a court of justice.

46. Captain Plant writes in the same way:—"Private arbitration, that is without a reference from "the courts, is in vogue in distant parts of the "district, and by persons (ignorant jungle people) "who dislike going to the courts (afraid of the ex-"pense in stamps, &c.) But in the end they find "that they pay more as (ညာတ်ပုဆော) fees to the "arbitrators than they would to the constituted "courts, and when not satisfied with the award "of their chosen arbitrators they are very disgust-"ed when they try to upset the same in court "and find that they are bound by their agree-"ments."

47. In the Prome district, "many small cases "especially in villages at a long distance from "courts are referred to the arbitration of village

"elders without ever being brought before a "court. Very few of the awards in the Civil "cases," Captain Street informs me, "are brought "subsequently before the courts under the provi- "sions of Section 327 Civil Procedure."

48. Arbitration in cases which have been already brought into court by litigants is not much in favour.

49. In Thayetmyo it is very seldom that parties voluntarily come forward and request that their cases may be referred to arbitration, *i. e.*, without the previous intimation from the court that the case is one in which a resort to arbitration would be the best mode of disposing of it. The fees demanded by arbitrators are high, and cases decided by them generally cost the parties more than they would cost if not referred to arbitration.

50. Arbitration at the instance of the court is little in use in Myanoung also. When parties have once come to the court, they prefer to take the decision of the established tribunal from which they have an appeal if dissatisfied, which they as a rule cannot have from the award of the arbitrators.

51. The system of referring cases to arbitration, the Deputy Commissioner of Bassein is of opinion, (requires at least in the courts of the township officers) careful watching, that it may not degenerate into establishing a class of persons (hangers on and connections of the judge) who have no other means of living, and who encourage cases in order that they may obtain the fees in cases referred to them for arbitration.

52. All the above remarks deserve attention.

53. Next to arbitrators, I notice the pleaders attached to the courts. These are divided into three classes, besides Barristers. Pleaders of the 1st class are seldom seen beyond Rangoon: there are a

Pleaders

few 2nd class ones in the interior; but of the 3rd there are "legion," in Rangoon and Myanoung especially.

54. Captain Plant, reports that during 1870 there were 49 pleaders on the rolls of the latter district · the number, he says, is far too many for the requirements of the district, and few therefore make a respectable income out of their legitimate practice.

Two Barristers, or even 1st class European Pleaders, he thinks, would be a "benefit" to the district, and an assistance to the courts which the existing class of *Shaynays* certainly is not.

55. In Bassein there were 28 pleaders practising in the different courts of the district.

56. The "Local Bar" at Prome stood almost the same as it was in 1869, with the exception of five 3rd class pleaders who had removed to Thayetmyo.

57. I am averse to the multiplication of (especially 3rd and even 2nd class) pleaders. Of the former a very great number were licensed in Rangoon and Myanoung in former years by the Deputy Commissioners of those districts, and regarding these, what I remarked in last year's Report, holds good, *viz.* that they were "for the most part ignorant of any thing like procedure, or even the principles of law."

Expense of litigation

58. On the expenses connected with litigation, I find noted by Colonel Horace Browne.—"The "costs in some courts are much heavier than in "others which is owing chiefly to the greater or less "distances to which processes have to be conveyed; "but partly to the greater or less amount of supervi- "sion which is exercised over the clerks to whom the "service of processes is entrusted: it is of course to "the interest of process servers to get as much out "of litigants as possible, and it frequently happens "that processes which could without any inconveni- "ence be served at the same time and by the same

"person are actually served by different persons and "at different times, so that those parties at whose "instance the processes were issued have to pay "about twice as much as it was actually necessary for "them to pay." Colonel Browne thinks that it is highly desirable that the provisions of the Court Fees Act by which processes will be paid for by stamps, and sending salaried peons should be brought into operation as soon as possible.

59. I note that to guard against bailiffs (who in Burma take the place of the official styled Nazir in India) benefitting by the fees which they regard as deposits out of which they have a right to the balance as their private perquisites, Sections 4 and 5 of the Process serving rules, drawn up for observance in the Province provide that.—(1) No process serving peon is to be paid at more than the regulated rates for *each journey*, notwithstanding he may have more than one process entrusted him to serve and.—(2) That the several Civil judges of the District and subordinate courts are to keep an account of the money paid into court for the service of process, and of the payments therefrom to the process server; the balance unpaid, if any, being carried to the credit of Government under "profit and loss," and not being appropriated by the bailiff of the court.

60. If the Deputy Commissioners exercised strict supervision over the procedure and acts of the bailiffs, what is complained of by Colonel Browne would not occur.

Suits against Government

61. There was one case against Government reported by the Deputy Commissioner, Prome. It was instituted by a contractor against the Executive Engineer in the Assistant Commissioner's court at Prome for Rs. 139-15-6. The case was dismissed and not appealed

62. * * * * * * *

63. * * * * * * *

REPORT

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE,

FOR 1870.

TENASSERIM DIVISION

* * * * * * *

Civil original jurisdiction in suits from Rupees 5,000 and upwards under Section 6 of Act I of 1863.

Appellate Civil powers of 1st instance over all the courts of Assistant and Extra Assistant Commissioners.

On the revenue side with original and appellate powers of a Collector's court under the revenue rules of the Province.

* * * * * * *

Civil original jurisdiction from Rupees 3,000 to Rupees 5,000 under Section 5 of Act I of 1863.

Revenue powers as prescribed in the Revenue rules.

* * * * * * *

Civil original jurisdiction from 3,000 to 5,000 Rupees under Act I of 1863.

Revenue powers as in the Revenue rules.

* * * * * * *

vii. Five Extra Assistant Commissioners or Tseetkays' courts of the 2nd class invested with the powers of a subordinate Magistrate of the 2nd class under Section 22 of Act XXV of 1861, and with civil original jurisdiction up to 3,000 Rupees under Section 4 of Act I of 1863, revenue powers under

the Revenue rules of the Province. The Tseetkays of Mergui and Toungoo have also been invested with powers under Section 38 of Act XXV of 1861.

viii. Twenty-eight Extra Assistant Commissioners or Myookes' courts of the 3rd class each with the powers of a subordinate Magistrate of the 2nd class under Section 22 of Act XXV of 1861. In civil cases with original jurisdiction up to 500 Rupees under Section 3 of Act I of 1863, and also revenue powers under the Revenue rules.

* * * * * * *

82. The following table exhibits the total number of Civil cases (original) instituted in the several courts of this division during the year under review :—

B 6. Statement shewing the number and description of Civil suits instituted during the year.

Class of Tribunal.	District.	1869 Cases instituted	1870 Cases instituted	Increase.	Decrease.
Sub-Divisional Tribunals	Amherst	917	950	33	..
	Shwe-gyen	995	948	..	47
	Tavoy	507	500	..	7
	Mergui	653	777	124	..
	Toungoo	..	1,183	..	..
Chief Courts of Districts	Amherst	..	..	..	..
	Shwe-gyen	1	8	7	..
	Tavoy	..	..	..	..
	Mergui	1	..	..	1
	Toungoo	..	1	..	..
	Total	..	4,367	..	..

83. Out of 4,367 suits instituted in 1870, 2,694 were for "amount of money cognizable by "Small Cause Courts," and 1,673 for "other suits."

84. In the Revenue department there were no regular "suits under the Rent Law" instituted in any of the courts in this division during the year. The revenue business performed both in the Sub-divisional and District courts was of a miscellaneous nature and disposed of under the Revenue rules of the Province.

B 7 Statement showing the value of Civil Suits disposed of

85. The total value of Civil suits disposed of in the different courts of each district during the years 1869 and 1870 was as follows .—

Districts	Value of suits disposed of in 1869	Value of suits disposed of in 1870	Increase	Decrease
	Rs	Rs	Rs	Rs.
Amherst	47 460	60 163	12,697	
Shwe gyen	63,201	63,014		196
Tavoy	26,114	32,101	5,987	
Mergui	20,569	20 402	2,833	
Toungoo		67 129		
Total		2 51,80J		

86. In the Amherst, Tavoy, and Mergui districts, the value of suits disposed of in the different courts has increased, but in Shwe-gyen district, there has been a falling off of Rs. 196. The total value of cases disposed of in the Toungoo District courts was Rs. 67,129: no comparison can be made by me for the previous year.

B 8 Statement showing the general result of the trial of Civil suits in the Courts of original jurisdiction

87. The following abstract return will show the original suits brought on the file, including pending cases from previous year, and the number disposed of during the year for each district :—

Class of Tribunal.	Districts.	Number of cases for disposal in 1869	Number of cases for disposal in 1870	Number of cases disposed of in 1870	Number pending at the close of the year
Sub divisional Courts	Amherst	996	1,018	966	52
	Shwe gyen	995	949	903	46
	Tavoy	516	504	491	13
	Mergui	653	779	776	3
	Toungoo		1,190	1,176	14
	Total		4,440	4 312	128
Chief Courts of Districts	Amherst	1	8	7	1
	Shwe gyen		2	2	
	Tavoy	1			
	Mergui				
	Toungoo				
	Total		10	9	1

88. Of the total number of 4,312 cases disposed of in the Sub-divisional courts during the year under review, 2,428 cases were "contested" of which 1,618 were given in favour of plaintiff, and 810 in favour of defendant; and 1,876 "uncontested"; of these 4 were transferred to other courts, 40 rejected, 182 dismissed in default, 534 withdrawn or compromised, 796 decreed on confession, and 295 decreed, or dismissed exparte.

89. In the Chief Courts of districts 9 cases were disposed of; of these 3 were "contested" cases and 6 "uncontested," of the 3 "contested" 2 were decided in favour of plaintiff and 1 in favour of defendant; of 6 cases "uncontested" 3 were decreed on confession, 1 rejected, and 2 transferred to other tribunals.

90. The work done by the Civil appellate courts in this division for the years 1869 and 1870 is given below :—

B. 9. Statement shewing the business of the Civil Appellate Courts.

Appellate Court		Number of Appeals for disposal in 1869.	Number of Appeals for disposal in 1870.	Number of Appeals disposed of in 1870.	Number pending at the close of the year
District Appellate Courts of.	Amherst.. ..	108	110	111	5
	Shwe-gyen.. ..	135	101	99	2
	Tavoy ..	157	129	125	4
	Mergui.. ..	83	71	71	..
	Toungoo.. ..	..	106	106	..
	Total....	..	523	512	11
Divisional Appellate Court..		28	35	32	3
	Grand Total.....	..	558	544	14

91. There were altogether 558 appeal cases (including pending cases of the preceding year,) of which 544, or 97 per cent were disposed of, and 14, or 2 per cent remained pending at the close of the year.

92. Of 512 appeal cases disposed of by the District appellate courts, 369, or 71 per cent were

"contested" cases, 123, or 24 per cent of cases "heard ex-parte," and 20, or nearly 4 per cent dismissed in default.

93. In the Divisional appellate court 32, 2nd appeal cases were decided during the year, of which 25, or 75 per cent were "contested," 6, or 19 per cent "heard ex-parte," and 1 struck off in default. Of 25 cases "contested," 16, or 50 per cent were confirmed, 8, or 25 per cent reversed, and 1 remanded. At the close of the year 1870, there were 11 appeal cases pending on the files of the District appellate courts, and 3 second appeals in the Divisional appellate court, making a total of 14 cases.

No. 10. Statement shewing the execution of decrees in all Civil Courts.

94. The following abstract statement exhibits the number of applications for execution of decrees in each district during the years 1869 and 1870 :—

Class of Tribunal.	Districts.	Number of applications to execute decrees in 1869	Number of applications to execute decrees in 1870	Number of decrees completely executed	Number of decrees partially executed.	Pending at the close of the year
Sub-divisional Courts.	Amherst . . .	298	428	283	187	8
	Shwe-gyen . . .	223	346	206	127	13
	Tavoy . . .	154	177	121	56	..
	Mergui . . .	98	158	104	35	19
	Toungoo . . .	..	184	106	18	..
	Total . .	..	1,293	830	423	40
Chief Courts of Districts	Amherst . . .	62	97	35	54	8
	Shwe-gyen . . .	..	7	4	2	1
	Tavoy . . .	..	..	..	..	..
	Mergui . . .	..	..	..	..	..
	Toungoo . . .	..	1	1	..	..
	Total. .	..	105	40	56	9
	Grand total. .	..	1,398	870	479	49

95. On the whole there were 1,398 applications for execution of decrees, of which 870, or 62 per cent were fully, and 479, or 34 per cent partly executed, and 49, or 3 per cent pending at the end of the year.

96. In 277 cases parties were imprisoned, and in 754 by attachment of property; but in only 278 out of 754 cases was the property so attached brought to sale.

General remarks on Civil reports.

97. The civil work in the different districts has generally been satisfactorily performed by the officers presiding over the different courts. The work got through has been much the same as in previous years: there appears no special remarks called for from me.

B 11 Statement showing the cases of Assessors in Civil and Criminal Courts.

98. In the District session courts, under Section 445 A, of Act VIII of 1869, twelve cases were tried with the aid of assessors. The detail for each district is given below :—

Districts.	Number of cases with assessors.	Judges agreed with assessors.	Judges differed with assessors.
Amherst	6	1	5
Shwe-gyen	4	3	1
Tavoy	..	..	..
Mergui	1	1	..
Toungoo	1	1	..
Total..	12	6	6

99. In the Divisional session court 20 cases were tried with assessors, during the year under review. The number of cases from each district is shewn below :—

Districts.	Number of cases with assessors	Session Judge agreed with assessors.	Session Judge differed from assessors.
Amherst	12	11	1
Shwe-gyen	8	7	1
Tavoy	1	1	..
Mergui	..	..	..
Toungoo	..	..	..
Total.	21	19	2

100. Assessors in this division are merely employed on sessions trials; they are not called in Civil cases.

B 12. Statement of registration of deeds.

101. During the year under review the number of deeds registered in each district was as below detailed :—

	1869.	1870.
Amherst... ...	417	314
Shwe-gyen ...	3	1
Tavoy... ...	16	6
Mergui... ...	2	6
Toungoo... ...	46	18
Total...	484	345

showing a decrease of 139 deeds. The amount of fees received during the year was Rs. 828, and the amount of actual cost of registry office was Rs. 313.

102. The officers who held charge of districts during the year under report were as follows :—

Amherst.

Major A. G. Duff, from 1st January to 21st March 1870.

Lieut. Colonel E. M. Ryan, from 22nd March to 24th December 1870.

Major A. G. Duff, from 24th December 1870 to end of the year.

Shwe-gyen.

Mr. J. C. Davis, from the commencement of the year to the 25th of May 1870.

Captain H. Spearman, from the 26th May to the end of the year.

Tavoy.

Lieut. Colonel G. Faithfull, throughout the year.

Mergui.

Mr. T. Shepherd, from 1st to 15th January 1870.

Captain H. Spearman, from 9th March to 26th April 1870.

Mr. T. Shepherd, from 27th April to end of the year.

Toungoo.

Captain W. G. Hughes, from 1st January to 23rd August 1870.

Major M. B. S. Lloyd, from 24th August to the end of the year.

103. The following officers were Assistant Commissioners, or subordinate Magistrates in charge of Sub-divisions :—

Lieutenant J. Butler, throughout the year. Maulmain.

Captain G E. Fryer, from 1st January to 31st December 1870. Amherst.

Lieutenant St. A. St. John, from 1st January to February 1870. Thatone.

Mr. J. C. Davis, from 1st June to the end of the year.

Mr. H. Buckle, from 1st January to 27th November 1870. Sittang.

Mr. C. Duke, from 28th November to end of the year.

Mr. A. Hough, from 1st January to 10th September 1870. Yoonzaleen.

Mr. H. Buckle, from 10th December to close of the year.

Lieutenant G. F. Thorpe, throughout the year. Toungoo.

Captain J. B. Simpson, from 1st January to 15th March 1870. Cantonment Magistrate.

Major W. G. Gordon, from 16th March to end of the year.

104. The Extra Assistant Commissioners, or Tseetkays of this division are as follows :—

Moung Byaw, from 1st January to 9th May 1870. Kaukareit.

Moung Oh, from 10th May to end of the year.

Moung Gnyaing, throughout the year. Shwe-gyeet

Moung Shwè Kyee, throughout the year. Tavoy.

Moung Shwè Bo, throughout the year. Mergui.

Moung Htine, throughout the year. Toungoo.

105. The following were Extra Assistant Commissioners, or Myo-okes of the several townships in each District :—

Moung Shwè Aye, from 1st January to 19th April 1870. Amherst district. Zeik.

	Moung Tsoung, from 30th April to end of the year.
Beeloogyoon	Moung Hlau, throughout the year.
Gyne Salween	Moung Chaik, throughout the year.
Gyne Attaran	Moung Tsat, throughout the year.
Phagat	Moung Shwè Gyne, from 1st January to 20th April 1870
	Moung Tha Nyo, from 21st April to end of the year.
Thangyeen Houndraw	Moung Hmone, throughout the year.
Hline Bway	Moung Oh, throughout the year.
Thatone	Moung Htoon-gyaw, throughout the year.
Martaban	Moung Shwè Gnone, throughout the year.
Wagroo	Moung Doot, from 1st January to 20th June 1870.
	Moung Hpo, from 22nd July to end of the year.
Ye Lamyne	Moung Pai Hlaw, throughout the year.
Shwe gyen District Kyouk Kyee	Moung Taw, throughout the year.
Shwe gyen	Moung Hpo, from 1st January to 3rd July 1870.
	Moung Doot, from 4th July to end of the year.
Sittang	Moung Hmat, throughout the year.
Beeling Kyaikto	Moung Wet Galay, from 1st January to 31st July 1870.
	Moung Gouk, from 27th September to end of the year.
Younzaleen	Moung Kyan Nyo, throughout the year.
Tavoy district N. E. Division township	Moung Shwè Go, from the commencement of the year to April 1870.
	Moung Phaw, from April 1870 to end of the year.
S E Division	Moung Hlaw, from 1st January to April 1870.
	Moung Shwè Gyne, from April 1870 to end of the year
W Division	Moung Shwè Att, throughout the year.
Mergui district Palaw	Moung Tha Noh, throughout the year.
Tenasserim	Moung Htoon Oung, throughout the year.
Lenya	Moung Tsain Gnyo, from 1st Jan. to 2nd May 1870.

Moung Myat Htoo, from 3rd May to end of the year.

Moung Gwin, throughout the year. — Toungoo district Myo ma or Dain-ya-waddee.

Moung Shwè Myat, throughout the year. — Bombadee

Moung Nhin, throughout the year. — Zai-ya-waddee.

Moung Dway, throughout the year. — Kanee.

Moung Baw Aye, throughout the year. — Kyet-thoung-doung.

Moung Shwè Att, throughout the year. — Thagarah

106. * * * * * * *

107. * * * * * * *

108. * * * * * * *

109. * * * * * * *

REPORT

ON THE

ADMINISTRATION

OF

CRIMINAL AND CIVIL JUSTICE,

IN THE

COURT OF THE RECORDER OF RANGOON.

FOR 1870.

CIVIL.

The number of original suits disposed of in the Recorder's Court in 1870, was 1,238. Of these, 614 were regular suits and 624 were miscellaneous suits, and suits relating to lunatics, and minors, and to other matters of extraordinary jurisdiction.

2. In the preceding year, the number of original suits disposed of was 1,105, of which 629 were regular suits, and 476 were miscellaneous suits, or suits within the extraordinary jurisdiction of the Court.

3. The total amount or value involved in the suits instituted in 1870 was Rs. 8,41,430, and the value of stamps filed during the year in regular and miscellaneous suits was Rs. 47,180.

4. In 1869, the total amount involved was Rupees 10,09,539, and the value of stamps filed was Rs. 52,935.

5. The difference between the year 1869 and 1870, in the above mentioned particulars is shown by the following table :—

Year	Number of Original Regular suits disposed of.	Number of Miscellaneous suits disposed of	Total number Original and Miscellaneous suits disposed of	Value involved in suits disposed of	Value of stamps filed during the year.
1869.. ..	629	476	1,105	Rs. 10,09,539	Rs 52,935
1870.. .	614	624	1,238	8,41,430	47,180
Increase in 1870 ..	....	148	133	.	. ..
Decrease in 1870	15		.	1,68,108	5,754

6. The number of miscellaneous suits is increased by the greater number of grants of probate and letters of administration. These grants are yearly on the increase.

7. Besides the original suits 2 new trials, and reviews of judgment in civil cases were disposed of during the year.

8. The number of suits pending at the close of 1869 were 181 original suits, and 27 miscellaneous suits, or 208 in all. At the close of 1870 there were pending 61 original suits, and 19 miscellaneous suits, or 80 in all.

9. The revenue of the Court during the year 1870 amounted to Rs. 50,649, and the expenditure to Rs. 35,482 : the particulars of both are given in the following tabular statement :—

	Rs.	A	P		Rs.	A	P
Amount realized by stamps. ..	47,180	1	0	Recorder's salary. ..	20,000	0	0
Tulubana..	3,259	12	0	Establishment.. .	13,752	0	0
Fines..	209	3	3	Contingencies.... .	626	2	9
				Printing.	144	12	0
				Bailiffs Establishment .	960	0	0
				Surplus of receipts over expenditure.... .	15,166	1	6
Total....	50,649	0	3	Total....	50,649	0	3

10. In the year 1869 the revenue of the Court

was Rs. 68,799, and the expenditure Rs. 37,330, showing a surplus of receipts over expenditure of Rs. 31,469.

11. The decrease in 1870 is fully accounted for by the reduction of stamp duties under the Court Fees Act; by the fact that during 1870 suits between Rs. 500 and Rs. 1,000 were instituted in the Small Cause Court; and by the fact that the total revenue of 1869 was increased by a fine of Rs. 10,000 which was but a casual item in the account of that year.

12. The longest period during which any case on the file at the close of 1870 had been pending was 9 months and 9 days, and the average duration of suits disposed of during the year was 3 months and 14 days. In 1869 the corresponding figures were 11 months and 26 days, and 2 months and 10 days, respectively. The increase shewn in the average duration of suits is explained by the fact that since the appointment of a Small Cause Court at the end of 1869 with jurisdiction to the value of Rs. 1,000, the Recorder's Court has been occupied with heavier suits than those that formed the average previously, and heavier suits take longer time in their course than suits for small amount. The diminution in the length of time during which any suit was pending shows, to some extent, how far the appointment of a Small Cause Court assisted towards the disposal of the heavier cases.

13. The statement that the average duration of suits in 1870 was 3 months and 14 days is not of much value; for the average is increased by cases on the dormant file, which often stand for months without being brought forward a step, and, on the other hand, the suits on bills and promissory notes under Act V of 1866 reduce the average; and, as these suits are, in six cases out of seven, suits which might be brought as ordinary suits in the Small Cause Court, they in every way disturb the calculation in considering what was the true nature of the heavier civil business of the town of Rangoon

during the year. Of suits under Act V of 1866, 301 were for sums less than Rs. 1,000 and would, therefore, but for Act V of 1866, have been brought in the Small Cause Court : 51 of such suits were for sums exceeding Rs. 1,000, and out of the total 352 cases under this Act in seven only was leave to defend granted.

Criminal.

14. During the year 1870 there were 36 criminal trials in the Recorder's Court as a Court of Session. In 1869 there were 39. There were also 13 appeals from decisions of the Town Magistrate, and 4 from decisions of the Cantonment Magistrate, or 17 in all. In 1869 there were 37 appeals from decisions of the Town Magistrate, and 2 from the decisions of the Cantonment Magistrate, or 39 in all.

15. The reports of the Town Magistrate and Cantonment Magistrate with accompanying statistical returns are forwarded herewith. They speak for themselves. This is the first year in which they have been submitted, in pursuance of letter No. 690-8, Home Department, (Judicial,) dated 21st March 1870, through the Recorder, and I have therefore no remark to make upon them considered in comparison with the reports of previous years.

General.

16. The course of business in the Court during the year has been without complications internally or externally. Towards the close of the year, a correspondence arose with the late Chief Commissioner in which it became necessary for me to point out that the only power which, as regards Recorders' Courts in Burma, remains in the Chief Commissioner under Section 25 of Act I of 1863, (which enacts that the powers vested in the Sudder Court by the Civil Procedure Code shall be exercised in British Burma by the Chief Commissioner,) is the power to issue commissions to examine witnesses out of the British territories in India. At the

same time, it was necessary for me also to point out that the Chief Court of British Burma has no authority whatever as to the Recorder's Courts in criminal matters though power to confirm or commute sentences of death is specially given to the Chief Commissioner personally. As, however, I understand that the matter has been referred to the Government of India, it is unnecessary for me to allude to it further.

17. I may, however, remark, as the question was raised before me in arguing upon the proper construction to be put on Section 445 C, of the Criminal Procedure Code, that though I have made many enquiries of persons who, by their official position, ought to be cognizant of the law, yet I have never been able to ascertain under what authority the Chief Court, or the Chief Commissioner, has jurisdiction as a Sudder Court in criminal matters at all.

18. I need not repeat what was said in my last report as to the codification of the law in Burma· the hearing of suits under Act V of 1866 by the Small Cause Court; the inconvenience of the Recorder's Court; the incapacity of the Police; or the fact that several persons are suffering imprisonment, under sentences passed by Captain Strover, when he was Town Magistrate, for terms which it was beyond his power to pass. I am not aware that anything has been done touching any of these things, certainly, I have not had further communications addressed to me respecting any of them beyond a conversation with the late Chief Commissioner as to cases under Act V of 1866, and every thing continues as it was when my last report was written.

19. From the time when I took office as Recorder (January 7th 1869) down to the close of the year 1870, there had been one appeal to the Privy Council, which is still pending, and one appeal to the High Court at Fort William, in which the judgment was affirmed

REPORT

ON THE

ADMINISTRATION

OF

CRIMINAL AND CIVIL JUSTICE,

IN THE

COURT OF THE RECORDER OF MAULMAIN

FOR 1870.

I had collected during the past year a variety of matter in connexion with the Court's business, and purposed according to my usual practice of submitting such matter for His Excellency's consideration in the form of a report. In endeavouring however to frame such a report great difficulties presented themselves in the nature of the matter I had to deal with. Among other questions have of late arisen as His Excellency is aware from correspondence which has been laid before His Excellency, by the local Government, with reference to this Court's jurisdiction in more than one direction, and the relation generally between judicial and executive authority in these Provinces. The discussion of the questions so raised involves as it seems to me the discussion of the position of the Recorders' Courts in Burma on elementary principles, a matter which could hardly be concluded within the compass of a report. It would seem in presence of these questions as if the time had come for the enquiry contemplated (see Mr. Secretary Howell's letter of 22nd September 1866) by his late Excellency Sir J. Lawrence, into the practical working of the Burmese Courts on their new footing. This necessity becomes, I think, clear when we observe the difference in the aspect at present presented by this town and Rangoon so far as their judicial institutions are concerned, from that

which they assumed on the passing of Act XXI of 1863, which established the Recorders' Courts. By that Act, Recorders either one, two or three in number with functions analagous in some respects to those of a High Court were to administer the law in cases other than those within the cognizance of a Small Cause Court in the towns of Maulmain, Rangoon and Akyab. In each town there was to be a Registrar who in addition to discharging the ordinary duties of a Registrar in the superior Court was to be Judge of the Small Cause Court, the local limits of which were the same as those of the Recorder's Court. In the absence of the Recorder, the Registrar was moreover vested with very considerable judicial powers as regarded the Recorder's Court.

In carrying the Act into effect one Recorder only was appointed who travelled backwards and forwards between Rangoon and Maulmain, and this plan subsisted down to the period of my appointment to this Court in September 1866. Akyab has I believe never practically come under the operation of the Recorders, and its judicial business is still transacted by officers of the commission.

The following was the letter I have referred to as written by Mr. Secretary Howell in September 1866, No 4783.—

"I am directed to acknowledge the receipt of your "letter No. 280, dated the 27th ultimo, and of its en- "closures, and in reply to state that the Governor "General in Council approves of the proposals (1) to "appoint a separate Recorder for the Town of Maul- "main, (2ndly) to abolish the present Registrarship of "the Recorder's Court at Rangoon, and the similar ap- "pointment at Maulmain, (Mr. Macrae being restored "to his place in the Commission) and to transfer under "Section 12 of Act III of 1866 the Small Cause Court "duties of these offices to the Recorders of Rangoon "and Maulmain respectively, and (3rdly) to appoint "the Clerk of each Recorder's Court to be Registrar, or "Deputy Registrar of that Court, on a small addi-

"tional salary in consideration of the few additional "duties that will be imposed upon them under these "arrangements.

2. "The Governor General in Council is of opi- "nion that no Legislation is required to effect these "changes; all the duties of the present Registrars "except those defined in Sections 32, 33 and 34 of "Act XXI of 1863, being taken away by the ap- "pointment of separate Recorders, and the remaining "duties being transferred to the new Deputy Regis- "trars.

3. "The Governor General in Council does not "consider it necessary that either of the Recorders "should draw a higher pay than that now allowed to "Dr. Clarke.

4. "An officer will be selected for the new ap- "pointment of Recorder at Maulmain; but the ap- "pointment must for the present be considered an "acting appointment as it is made experimentally, and "as an alteration of the law may be necessary if the "arrangement should practically be found to be de- "fective in any particular.

5. "The result of the changes will be on the "whole a saving of expenditure; but I am desired to "request that you will submit a tabular statement "showing the addition of salary that you may con- "sider suitable for the new Registrars, and the pre- "cise financial effect of the whole arrangement."

By a subsequent appointment the present Record- er of Rangoon was appointed to Rangoon in simi- lar terms to those in which I had been appointed to Maulmain. The Rangoon business having proved heavier than the Recorder there thought himself able to deal with, a separate Small Cause Court Judge was appointed for that town under the Small Cause Court Act (XI of 1865.) The judicial business of Maulmain would appear to be less than that of Ran- goon, and as I found it within my power of manag- ing by sitting continuously (that is, without taking

any regular vacation,) I abstained from asking for any assistance of a similar character to that which had been afforded to the Recorder of Rangoon.

How urgently some decision by Government is needed in respect of this Court's criminal jurisdiction the accompanying case (exhibit A. Criminal miscellaneous appeal No. 3 of 1871) will I think render evident. The Town Magistrate has in reliance upon Section 445 C. of Act VIII of 1869, intimated his opinion that he is not under the superintendence of this Court acting in its criminal jurisdiction. The matter is still further complicated, if as I hear is the case the Chief Commissioner has actually entertained an appeal from the Maulmain Magistrate. The position of parties considering themselves aggrieved by the Maulmain Magistrate's decision becomes under these circumstances one of great embarrassment and hardship. That His Excellency may realize this hardship in its full import, I would say that it is such as would be produced if it were enacted that all appeals from the Calcutta Magistrates should be heard by a Commissioner at Allahabad, there being but one or at the most two trains per week available for the litigants between the two cities. To make the parallel more complete one should notice that the passage from this to Rangoon is not by land, but involves a sea voyage in which one night certainly, and in bad weather not improbably two have to be spent at sea. I add a copy of my opinion upon a point in connection with the section in which the Local Government has done me the honour of consulting me (exhibit B.)

The financial footing of this Court urgently needs revision. On the 1st April last the Accountant General having as he supposed (I think he will find himself mistaken even as to the fact) overpaid one of the officers connected with the Court, retained the pay of all the establishment until that officer had refunded the amount alleged to have been overpaid.

I append a letter (exhibit C.) in which I have ventured to bring the matter to the notice of the Government.

The discontinuance of the *India Gazette* (no copy has been received here since June 1869,) deprives the Court of a valuable source of information as to changes effected in the law.

I would refer to the following paras. of my previous reports as still furnishing matter for His Excellency's consideration :—

In that for 1866, page 6.

" 1867, " paragraphs 8, 27 to 32, 35 to 37 ,43, 44 and 74.

" 1868, " paragraphs 21, 22, 23, and 25.

" 1869, " paragraphs 1 to 58, 60 to 65 and 71.

The report of the Magistrate of Maulmain for the past year, and the returns of this Court are appended.

Exhibit A.

IN THE COURT OF THE RECORDER OF MAULMAIN.

CRIMINAL MISCELLANEOUS APPEAL NO. 3 OF 1871.

BUSSANIAH APPELLANT.

31*st March* 1871.

Appellant present.

It is long since I have had so painful a duty to perform as that of expressing my opinion on the present case. The circumstances out of which it arises are these.—On the 13th instant Appellant, a Native, appeared before the Magistrate of Maulmain and presented a petition charging Lieutenant Prior, an Officer in a Native Regiment, stationed in Maulmain, with having assaulted him on the premises of Mr. Hannay, a European merchant.

The Magistrate heard the petitioner and refused to issue his summons. He endorsed the petition as follows :—

"Summons refused, the petitioner clearly committing a trespass "at the time he says he was assaulted."

From this decision Appellant appealed to this Court He complained that the Magistrate was not impartial in dealing with the case, and that he was acting under the influence of Mr. Hannay who had been present at the time the assault was committed, and whose evidence Appellant was desirous of obtaining. He insisted that the note made by the Magistrate as to his (Appellant's) statement was not a *bonâ fide* one, and that the Magistrate had simply pretended to misunderstand him in order to get rid of the case quietly. Appellant dwelt so much upon the circumstances of the Magistrate having perverted his words, and assured me so strenuously that he had at the time protested against any such misconstruction that after cautioning him as to the penalties he incurred by making a false or frivolous charge I directed him to be sworn when he deposed to two matters (1) that he had Mr. Hannay's permission for being on the spot where he was assaulted, and (2) that he had been seriously assaulted. I may add that I saw nothing in Appellant's demeanour during the examination which would induce me to discredit his assertions.

Upon this evidence I directed the Magistrate to entertain the complaint and Appellant appeared before him again on the 22nd March. The Magistrate's note of what took place on that occasion is as follows :—

"Petitioner states that when assaulted he was authorized by the "ayah and cook of the owner of the house to go into the com-"pound occupied by Lieutenant Prior to cut down the trees, and "when he was running away from the Lieutanant he fell against "a table and cut his face.

"I have already dismissed this man's complaint under Section "76 (*sic*), as I conceive I had full authority for doing, nor am I "aware that the Session's Court has jurisdiction in this matter."

This proceeding of the Magistrate's I cannot designate otherwise than an evasion of this Court's orders. It seems idle to speak of such an enquiry as recorded by the Magistrate's note as "entertaining a complaint." The Appellant it will be seen from his petition, maintains that on this occasion also the words put into his mouth by the Magistrate were not those which he spoke.

That the Magistrate has been guilty of the wretched subterfuge attributed to him by the Appellant of affecting to misunderstand the interpreter in order that he might appear to have decided the case on the complainant's own statement. I entertain far too high an opinion of Mr. Macrae's general character to think at all probable. It seems to me more likely that before hearing the complainant's case he had heard statements from other persons which had impressed him with the belief either that the complainant's charge was false, or that he had been trespassing, or it is possible that the Magistrate has allowed a not unnatural anxiety to prevent a lady

being annoyed by having to appear in Court to influence his better judgment. But whatever his motive, or whether ignorance of the law or contempt of the law underlie the course he is pursuing I take one thing to be clear *viz*: that the complainant has been aggrieved, and that a miscarriage of justice has taken place by reason of the Magistrate having interposed his authority to prevent an investigation into the complaint in open Court, and that it is the duty of this Court if it have the power to give him relief.

The jurisdiction of this Court to entertain the appeal has been challenged by the Magistrate, and the question raised by that challenge is a most serious one. If it be law as the Magistrate seems to contend it is that by virtue of an order of the Local Government under Section 445 A, of Criminal Procedure Code he has been exempted from all responsibility to this Court in respect of his proceedings, (and if I may draw an inference from a statement in Appellant's last petition the same contention would seem to be raised by the Magistrate as to any other Court) no time should I think be lost by the legislature in providing some tribunal which may protect the inhabitants of this town from the high-handed dealing with complaints shown in the present case, or such reckless abuse of power as I have already commented on in the case of *Ebrahim* (C. A. No. 7 of 1867) which came before me from the same Magistrate when he was in office on a former occasion.

The Magistrate is, I think, right if his objection assumes the form of an argument, that the present case does not come within the purview of the Section (435 of Act VIII of 1869) under which Appellant has proceeded, inasmuch as the Court by which the offence with which Lieutenant Prior stands charged is not stated in the 7th column of the Schedule to the Act to be triable by the "Court of Session only, or by the Court of Session, or Magistrate "of the District."

The question then arises. If the express provision which deals with this particular contingency under the normal state of matters contemplated by the Procedure Code does not apply, is the Appellant entirely without remedy? I venture to think not. Until otherwise advised I am of opinion that this Court as a Court of Supreme Judicature in Criminal matters within the local limits is bound to take cognizance as a High Court takes cognizance of all irregularities in the proceedings of inferior Courts within those limits. If there be a doubt upon the point, I think it more consonant with fundamental maxims of the Law to give the assistance of this Court to the Appellant than to refuse it.

I accordingly direct the Magistrate forthwith to issue his summons to Lieutenant Prior, and to conduct the investigation precisely in the same manner as he would any other charge of assault in respect of which he had issued summons. I direct him further on the conclusion of the proceedings to forward the record of the case to this Court in order that I may consider the propriety of bring-

ing this and other matter connected with the Police Court to the notice of the Government of India.

Exhibit B.

From JOHN CORYTON, ESQ *Recorder of Maulmain, to the Assistant Secretary to the Chief Commissioner, British Burma, No.* 32, *dated Maulmain, the 5th May* 1871.

I have the honour to acknowledge the receipt of your letter No 191-2, (Home Department, Judicial,) of the 24th ultimo, in which the Chief Commissioner has done me the honour of requesting my opinion on the suggestion contained in the Home Secretary's despatch of the 19th December last, that the "towns of "Rangoon and Maulmain within the limits of the jurisdiction of "the Town Magistrate's should respectively be declared divisions of "the Districts within which they are situated."

I see no reason for the suggestion being adopted as regards Maulmain. That the District (using the word in the sense in which I take it is used in Act VIII of 1869 Section 445 A, namely, the Province of Tenasserim exclusive of the Town of Maulmain) is in a critical condition rendering it necessary that the officer having executive charge of Criminal matters within it should have the extraordinary powers mentioned in the Section, I have referred to, I am not for a moment inclined to deny. Since the date of the Home Secretary's despatch matters have indeed (if I may judge from the deaths of Moung Glay and Nga kaik, the murder and looting at Darain, and above all the sad tragedy at Kinmoongyone the news of which reaches me as I am writing) grown worse rather than better. What I wish to point out is that the disturbances are confined to the District, or what I suppose in India would be called the Mofussil. In the Town of Maulmain itself as His Excellency will see from the returns there is no crime of a corresponding character, nor is there in my opinion with a Recorder sitting permanently any more necessity for giving to the Town Magistrate of Maulmain extraordinary powers (going so high it will be observed as summary power to imprison for 7 years) than there would be for giving the same powers to a Magistrate of London or Calcutta.

That the legal questions connected with the Home Secretary's suggestion should be definitely settled at the earliest possible period, I think most advisable. Of the complete dead lock at which matters have now arrived in the Province, the accompanying judgment will give His Excellency a better idea perhaps than any lengthened explanation. After I had given that judgment, the Magistate took evidence in the case and forwarded that evidence, but without any finding to the Recorder's Court. I returned the proceedings on the 19th April last directing him to add his finding. Of that direction the Magistrate has taken no notice

whatever, and as I have the misfortune at present to be under His Excellency's censure as regards a decision on a point of jurisdiction which I pronounced under the conviction that I had for it the direct sanction of Her Majesty's Privy Council, I naturally hesitated until further advised to proceed in the matter. Appeal from the Town Magistrate to any person whatever provided that person be clearly defined, or indeed an absence of any appeal if such absence be only enacted, would it seems to me, be preferable to the present state of uncertainty as regards the law.

I have for some time past in the presence of the numerous and serious questions that have arisen in connexion with this Court, and more especially as regards its jurisdiction, ventured to suggest the advisability of a commission to inquire into the administration of the law generally in these Provinces, and I would respectfully in view of the present matter repeat the suggestion. Unless proceeded by careful investigation, I fear that any alterations in the law will prove at the best very partially successful.

Exhibit C.

From JOHN COLYTON, ESQ. *Recorder of Maulmain, to the Secretary to the Chief Commissioner, British Burma, No.* 17, *dated Maulmain, the 4th April* 1871.

I have the honour to request you will at the earliest moment lay the enclosed minute which has been forwarded to me by the Treasury officer of Maulmain before the Chief Commissioner.

The Chief Commissioner cannot I think be aware of the effect of such an order. Mr. Martin, I may observe, notwithstanding the order, has hitherto continued his services to the Court in the hopes I presume that that order will be rescinded. If Mr. Martin resigns, and I suppose he will resign immediately if he finds that that order is to be upheld, the business of this Court will come to a stand still. I should certainly not feel justified in engaging another interpreter in his place without a distinct understanding from the Government that his salary was guaranteed to him. Had Mr. Martin refused his services yesterday, when I had a Sessions case of attempt to murder before me, a most important branch of the administration of justice would have been seriously imperilled.

I understand that the sanction required from the Government of India in Mr. Martin's case is simply a formal one. and that the usual papers to obtain that sanction have been forwarded to you some time since, so far myself from seeing any thing objectionable in the fact of Mr. Martin's being a pensioner under Government, I considered the circumstance a fortunate one as the very slender sum of Rs. 100, at the disposal of the Court for interpreting in the three languages had hitherto rendered it impossible to secure from persons depending wholly on that salary any thing approach-

ing to efficiency. Even supposing an informality to exist in his appointment, I think Government would be bound (I was certainly not aware of any), to waive it in his favour simply from the exigencies of the case as shown by the difficulty that had so long been experienced by this Court when he was appointed in securing the services of a competent interpreter at all. The demand for a return of the salary which Mr Martin has for some months received in return for the due discharge of the duties of his office, is hardly one which I think it would be the policy of the Government (assuming it to have the indisputable power) to insist upon. The mode in which it is proposed to carry out the views of the Accountant General seems to me simply indefensible, and strongly corroborate the observations I have made as to the want of some efficient control over the proceedings of that officer's department. In plain English he purposes for the ensuing month placing at the disposal of the Court funds which he knows will be insufficient to meet the expenditure.

I have more than once expressed my opinion that there should be some officer here charged with the duty of seeing to the monetary requirements of this Court. The superintendence of such matters is as it seems to me incompatible with due attention to the duties of a Judge. The correspondence I have had on such subjects has been most harassing. It was clearly as I gather from Mr. Howell's letter to the Chief Commissioner, (No. 4783 of 22nd September 1866), His Excellency's intention at the time the Recordership was placed upon its present footing that the Judge should not be troubled with them more than was absolutely necessary. As it is I get no assistance whatever. There is no officer of the Government here who will undertake the slightest responsibility, and the whole weight of the Court's organization and maintenance rests upon myself personally. If the scheme I have proposed be not attainable, I would suggest that a list be forwarded me a clear month previous to the expenditure being required stating the amount to be placed at the disposal of the Court, and the mode in which it is to be expended.

The Chief Commissioner will understand from what I have said the anxiety that presses upon me in the matter. I trust therefore that he will authorize you as soon as possible to inform the Financial officer at Rangoon, that the salary is to be paid, or if he is unable to do so himself will at once obtain the necessary orders from India.

REPORT

ON THE

ADMINISTRATION

OF

CIVIL JUSTICE,

IN THE

COURTS OF SMALL CAUSES.

FOR 1870.

TOWN OF RANGOON.

In submitting my report for the year 1870, of the business of the Court of Small Causes, I am happy to find that my prediction regarding the increase of suits and consequent increase of revenue is fully verified, as will be shewn by the following figures.

2. During the year 1870, the number of regular suits instituted was 3,755. The number in 1869 was 2,271, shewing an increase of 1,484 cases. The number of miscellaneous cases instituted in 1870 was 1,929. The number in 1869 was 856, shewing an increase of 1,073. The total increase of regular and miscellaneous cases instituted in 1870 compared with 1869 was 2,557.

3. In addition to the 3,755 regular suits filed in 1870, there were left pending 209 cases at the end of 1869, thus making a total of 3,964 regular suits for disposal in 1870. The number disposed of during the year was 3,815, leaving 149 pending. In addition to the 1,929 miscellaneous cases filed during the year, there were 52 pending at the close of 1869, thus making a total of 1,981 for disposal during the year. Of this number 1,926 were disposed of, leaving 55 pending. There were pending at the close of the year a total of 204 regular and miscellaneous suits.

4. There were 149 regular and 55 miscellaneous suits, or a total of 204 pending at the close of 1870. In 1869 the numbers were 209 and 52 respectively, which shows a decrease of 57.

5. There were 3,815 regular and 1,926 miscellaneous suits disposed of during the year. In 1869 there were 2,317 of the former and 836 of the latter, shewing an increase of 2,588 cases disposed of in 1870.

6. The foregoing figures shew so clearly the exact state of the business of the Court during the year 1870, that but few remarks are required from me.

7. Regarding the increase of regular suits filed it is only necessary to say that I consider it the result of increased facilities for the disposal of suits by the institution of a separate Court of Small Causes. On this matter I spoke fully in my last report, and I repeat that my prediction of the increase of suits has been verified.

8. The increase in the number of miscellaneous cases is the natural consequence of the increase in the number of regular suits, nearly every miscellaneous case being closely connected with some regular suit. For instance, after decree execution is taken out by attachment of property, or arrest of person. If the former, it is more than likely that an application is made for the removal of the attachment by some third party. If the latter the judgment debtor is sure to apply for his release. The judgment creditor in either case is most likely to appear to show cause against the application.

9. The only other remark necessary with regard to the foregoing figures is relative to the number of cases left pending at the close of the year. It must not be thought that these are cases left pending from the inability of the Court to hear them ; but they are simply the cases fixed for days subsequent to that on which the Court rose for the Christmas recess. The number pending is moreover by no

means extraordinary seeing the average number of cases fixed for hearing per day, and the average duration of time which elapses between the filing and hearing of a suit.

10 Having shewn the increase in the number of suits filed in 1870 over those in 1869, it is but natural to suppose that there is a proportionately large increase in the value of the said suits, which will be shewn thus :—

2,271	suits filed in 1869, value Rs.	1,74,027 12 11
3,755	Ditto 1870, do. ,,	3,15,200 3 11
1,484	Increase in 1870, Rs.	1,41,172 7 0

The revenue of the Court is given in statement A, appended to this report, showing a considerable surplus over expenditure of Rs. 21,780-9-0.

11. The next point for consideration is the average duration of suits : and here I submit that the exact average arrived at by the fact of dividing the sum of the days of duration by the number of suits does not really represent the time that ordinarily elapses between the institution of a suit and decree, and although I give the average duration of suits as arithmetically arrived at, I consider that average to be perfectly worthless in shewing the actual despatch of the business of the Court.

12. The average duration of regular suits in 1870 (arrived at arithmetically) was 28 days (nearly); while that in 1869 was 70 days (nearly) : even in this manner shewing a decrease in the duration of 42 days (nearly).

13. In calculating the above there has been included (1) the duration of many suits in which postponements have been granted by the Court at the request of Counsel, or the parties themselves on grounds which the Court thought sufficient ; (2) the duration of suits lying on the dormant file on account of summonses not having been served, and plaintiffs having neglected to apply for fresh summonses ; (3) duration of suits on account of the in-

ability of plaintiffs to find the defendants, and their having recourse to the modes of substituted service ; (4) the duration of suits in which commissions have issued for the examination of witnesses &c., &c. Hence it is that I say the above average does not give a correct idea of the working of the Court as regards its general despatch of business.

14. The following statement will show how the above average duration of suits appears so long :—

On two occasion during 1870 on 18th October and 24th December, 135 cases were struck off the dormant file.

The total number of days during which these 135 cases were pending was 24,286, which gives an average of 180 days nearly for each suit.

15. If however we deduct these 135 cases which lay so long on the dormant file from the actual number of uncontested cases heard in 1870, and take the average duration of uncontested cases actually heard we shall find a considerable decrease in the time given as the average duration of all the suits of the year thus :—

		Days of duration.	*Average duration.*
2,777	whole number of uncontested cases 1870.	83,606	30
135	cases struck off by default	24,286	180
2,642	uncontested cases really heard .. .. Balance	59,320	22½ days.

16. It may be asked how this average duration of *uncontested* cases actually heard is so long as 22½ days The reason is, that plaintiffs are in many cases obliged to take out a second, third, and even fourth summons against defendants, and the case is postponed until service is effected by any of the three ways laid down in the Code of Civil Procedure, and after all this delay most probably the case is decreed *ex parte*. Thus the average duration of *uncontested* cases is much lengthened.

17. The average duration of contested cases is found as follows :—

		No. of days.	*Average duration.*
1,022	contested cases disposed of 1870...	22,006	21½ days.

But this average may fairly be reduced as regards cases actually filed and decided in 1870 by the deduction of those cases pending at the end of 1869, and which for the most part had been pending some time on account of the impossibility of getting through the work under the old constitution of the Court thus :—

		No. of days.	*Average.*
1,022	cases disposed of 1870.....	22,006	21½ days.
61	cases pending from 1869.....	4,133	68 „
961	cases of 1870.....	17,873	18½ about.

18. But by experience I have found that in general suits are decided within a week of their institution. It would be impossible to shew this by any calculation ; but the fact could be attested by all who are concerned in this business of the Court, and by a glance at the file book : and this time of duration of suits really shews the satisfactory working of the Court.

19. I have always held to the system of postponements *de die in diem* where it has been impossible for the Court to get through the cases on the file of the day : thus if delay has been necessitated, it has been for so short a time as to cause but slight (if any) inconvenience to parties to suits. This inability to get through the file has been caused generally by a more than ordinary number of contested cases happening to be on the file of that day; but the following day may have a very light file and thus the arrears of the previous day get cleared off.

20. The greater number of suits filed in this Court, are for money lent either on promissory notes or bonds, or without any documents at all. If the claim be supported by a document there is rarely any defence, and the debtor either does not appear, or if he does appear it is to confess judgment.

21. It is on account of the short time occupied by such suits that so large a number of cases as already stated can be disposed of in the year. The number of suits of this nature has been much increased, since it has been found that a suit can be heard in the Court of Small Causes within a week of its institution; for plaintiffs now seldom file suits in the Court of the Recorder under Act V of 1866 where the amount does not exceed Rs. 1,000.

22 In addition to the above description of cases which are easily disposed of, there are many suits filed of large value and involving many intricate points: these are chiefly suits for damages for breach of contract. It is not necessary for me to particularize other kinds of cases, it would be impossible to do so seeing they are of every kind cognizable by Courts of Small Causes. I have mentioned those that chiefly occupy the Court.

23. In my report for the year 1869, I referred to the fact of there being some doubt as to the legality of the constitution of the Court of Small Causes, and also as to what Court was to be considered the "High Court" as regards the Court of Small Causes. The matter was referred by the Chief Commissioner to the Government of India. The answer was forwarded to this Court for information and was as follows:—(No. 691-18) "as Act XI of 1865 was "passed subsequently to Act XXI of 1863, so much "of Section 10 of the latter Act as is inconsistent with "the former Act is thereby repealed: and there was "no illegality therefore in the establishment of the "Court under Act XI of 1865," and the same letter further states.—"The Court of the Chief Commis-"sioner is the High Court, and although he has under "Act XXI of 1863 no jurisdiction in Rangoon, the "Province of British Burma is a part of British India "within the meaning of Section 1 of Act XI of "1865."

24. With regard to the reference made by the Recorder of Rangoon to the High Court at Fort William as to the jurisdiction of the Court of Small

Causes in cases beyond Rs 500, the answer of their Lordships is merely broadly stated in their letter of November 9th, 1870 thus :—"There is nothing in "the case as stated, or in the Acts referred to which "would seem to justify the conclusion that the "Court of Small Causes is not properly constitu-"ted."

25. In conclusion I have much pleasure in making favourable mention of the officers on the establishment, and particularly in recording the zeal and energy of the Chief Clerk, Mr. Marsh, in keeping up the well working of the office.

A

Statement of Receipts and Expenditure during the year 1870

Amount realized by Stamps	Rs	A.	I	Rs	A	P		Rs	A	P	Rs	A	I
On Regular suits	28,978	0	0				Judge's pay				9,150	0	0
On Miscellaneous suits	1,912	0	0				Establishment	5 160	0	0			
				30 890	0	0	Contingencies	400	1	0			
Talubana Fund				5,952	10	0	Printing charges	4 59	4	0			
Stamp penalty on insufficiently stamped documents				87	4	0	Total				6,019	5	0
Fines				70	0	0					15,169	5	0
							Balance				21,780	9	0
Total				36 949	14	0	Total				36 949	14	0

CANTONMENT OF RANGOON.

FOR 1870.

Exhibits a total of 371 Civil cases during the year. Statement VI

Shows the aggregate value of the above to be Rs. 18,772-4-3. Statement VII

Last year the total value of suits litigated was Rs 15,294-6-4. This shows an increase of Rupees 3,477-13-11 over 1869. This increase must be ascribed to the jurisdiction of this Court having

been in the 3rd quarter of the year, extended to Rs. 500 instead of Rs. 400, as well as to the growth of the Sudder bazaar.

The cases in this Court are generally of a petty nature, such as servant's wages, bazaar dealings, money borrowed on promissory notes &c, and the litigants are in a large majority natives of India.

Statement VIII Shows that of the 371 plaints disposed of during the year, 56 were not brought to trial, cases decided *ex parte* were 149, by confession 64, 50 decided wholly or partly in favour of plaintiff, 28 in favour of defendant, 21 compromised and 3 rejected. The average duration of both contested and uncontested cases was 7 days. The number of parties to appear by summons was 403. The number of subpœnas issued to witnesses was 199.

Statement IX Shows that 213 decrees were passed during the year. Of these 118 applications for executions were filed, and in 95 cases no execution was taken out.

The value of the stamps used in the above suits was Rs. 1,441-14-0, exhibiting an increase of Rupees 62-6-0 as compared with the previous year.

The costs of every description amounted to Rupees 389-10- 0 which gives an increase over 1869 of Rs. 0-7-0 only.

APPENDIX.

B —Judicial

SHOWING the various Judicial Tribunals, Original and Appellate, existing

Class of tribunal distinguishing those which exercise powers in one Department from those exercising powers in two or three Departments, and those consisting of paid from unpaid judges	No of Judicial divisions.	Average area of each division in square miles.	Average population of each division	No of tribunals.	Constitution of tribunals stating number of Judges or Jury in each, and Assessors, if any.	Judicial powers of each tribunal, Original and Appellate.
Local and Subordinate Magistrates exercising Criminal powers only. Paid	2			3	1 Judge	Subordinate Magistrates of the 1st class under Section 22 of Act XXV of 1861.
Local and Subordinate Magistrates exercising Criminal and Civil powers. Paid.	1			3	1 do.	Subordinate Magistrates of the 1st class under Section 22 of Act XXV of 1861, Civil jurisdiction up to Rs 3,000 under Acts I and XXIV of 1863.
Do. do. do. exercising Criminal, Civil and Revenue powers Paid..	95			98	1 do.	Subordinate Magistrates of the 1st class under Section 22 of Act XXV of 1861, Civil original jurisdiction up to Rs 5,000 from Rs. 3,000, under Act I of 1863 Revenue powers as prescribed in the Revenue rules of the Province
Small Cause Courts (confined to proper functions.)	3	31,312	330,579	3	1 Judge —The Recorder of Maulmain is also judge of the Court of Small Causes in Maulmain. These Courts were constituted under Act XXI of 1863.	Civil original jurisdiction in Civil suits up to Rs. 1,000. The Small Cause Court of the Cantonment of Rangoon has Civil original jurisdiction up to Rs. 500 only.
Recorders' Courts. ..	2			2	1 Judge.—Jurors employed in Criminal trials only.	Civil original, Sessions and Criminal appeal
Magistrates of full powers, exercising only Criminal powers	3			3	1 Judge ..	Magistrate of full powers under Section 22 of Act XXV of 1861.
Do. do exercising Criminal, Civil and Revenue powers.	2			2	1 do.	Do. do. do. do. Civil original jurisdiction from Rs 3,000 and upwards without limit under Act I of 1863.
Do. do. exercising Criminal, Civil and Revenue powers, as also powers under Section 445 A, of Act VIII of 1869.	14			14	1 do.	Civil original jurisdiction from Rs. 5,000 and upwards without limit under Act I of 1863. Appellate Civil powers over all the Courts in their district Also Revenue original and appellate powers as in the Revenue rules of the Province.
Sessions Courts ..	3			3	1 do. with Assessors in Sessions trials.	Powers of Court of Sessions under Section 32 of Act XXV of 1861. Appellate jurisdiction over all Chief Courts of districts in all their function The Town and Cantonment Magistrates excepted.
Chief Court of the Province.	1			1	1 Judge	The Judge of this Court hears Criminal and Civil and Revenue appeals from all Subordinate Courts. In Criminal cases has the power to confirm and revise sentence of death.

ABSTRACT.

1 Chief Commissioner
3 Commissioners
2 Recorders
4 Deputy Commissioners 1st Grade
4 do. do. 2nd do.
4 do. do 3rd do.
4 do do 4th do
5 Assistant Commissioners 1st Grade
5 do do. 2nd do.
12 do. do. 3rd do.

Statment 1.

in the Province of British Burma, on the last day of the year 1870

Pre scribed qualification of Judges previous to appointment.	Total number of Judges — European: Covenanted.	Total number of Judges — European: Commissioned Military officers.	Total number of Judges — European: Uncovenanted	Total number of Judges — Native	Average annual salary of each paid Judge — European.	Average annual salary of each paid Judge — Native.	Total cost of tribunals.	Net receipt from stamps	Executive or other functions exercised by the same Officers.	Average number of days in the year devoted to judicial work	Average number of cases attached to each tribunal.	Number of cases decided during the year — Criminal	Civil.	Revenue.	Appeal
		2	1		6 000		6 000					653			
			1	2	6,000	4,800	14 478	854			5	2 302	1 678		
		5	4	89	6 000	1,746	225 977	97,262			18 11	708	16 240	3,855	
Barrister of 5 years standing			2		9,150		14,810	49,046			7		10,143		
do			2		20,000		69,662	78,380	Sessions Judge.		14	45	2,876		
		2	2		14,666		34 060	948			79	5 025			
		4	5		7,846		72,066	2,206			3	1 528	478	204	
		4	5		12,443		264 296	10 478			18	1 874	870	2,293	945
		2			28 000		104 664	2,028			14	135	12	28	135
		1			50,000		53 156	2,049	Executive functions as the head of the Local Government						46

Daily Sundays and holidays excepted

3 Extra Asst Commissioners 1st Class 1st Grade
4 do do 1st " 2nd do
5 do do 2nd " 1st do
5 do do 2nd " 2nd do
16 do do 3rd " 1st do
11 do do 3rd " 2nd do
5 do do. 3rd " 3rd do
9 do do 3rd " 4th do
30 do do 3rd " 5th do
3 Honorary Magistrates

Judicial Statement 2

STATEMENT of Offences reported, and of persons tried, convicted and acquitted for each offence in the Province of British Burma, for the year 1870

Description of offence	Number of offences reported during the year	Number of Persons under trial during the year	Acquitted or discharged	Convicted	Died, escaped, transferred &c.	Remaining under trial	REMARKS
CLASS I							
Offences against the State the Public and Justice							
Against the State							
Waging war against the Queen	1	1		1			
Collecting arms or conceiling attempt to wage war		1		1			
War or depredation on allied powers	1	12			3	9	
Relating to Coin, Stamps Weights and Measures							
Counterfeiting Coin	6	3	3	6			
Diminishing or altering coin	2	4	4				
Passing or possessing bad or altered coin	24	29	12	15	1		1 Committed
Using or counterfeit stamps or effacing or altering same	5	5	5				
Making using or possessing false weights or measures	8	25	5	20			
Against Public Justice							
Personating Public servants or soldier	28	59	25	34			
Omitting to give information of offence or giving false information	66	110	24	83	2	1	
Causing disappearance of evidence	6	7	2	5			
Resisting obstructing or omitting to assist Public servant	87	98	51	47			
Disobedience of lawful order causing injury	155	526	141	384	1		
Intentional insult or interruption in judicial proceeding	81	125	14	111			
Harbouring an offender	77	122	40	75	4	3	
Taking gift to screen offender	17	28	17	7		4	
Resistance to lawful apprehension and rescue	110	154	20	132	1	1	do
Escape from lawful custody or transportation	24	36	3	33			
Absconding from avoiding or disobeying summons notice or order to attend or produce or refusing to answer or sign	706	799	351	442		6	
By Public Servants							
Taking valuable thing by or to influence Public servants	47	83	40	43			
Public servant acting illegally to injure any person	14	3	2	1			
Public servant fraudulently defeating punishment or forfeiture	6	8	3	5			
Public servant wilfully making order or decision contrary to law	9	22	12	9		1	do
Public servant intentionally omitting to apprehend or permitting to escape	35	32	3	29			
Public servant negligently suffering escape	57	67	12	55			
Breach of Police Act by Police officers	101	132	14	118			
False evidence False complaints or claims and Forgery							
Giving false evidence	46	57	26	22	2	3	4 do
Fabricating false evidence	9	9	2	2			5 do
Making issuing or using false statement or certificate	6	9	6	3			
False personation in judicial proceeding	6	9	4	5			
Fraudulent claim to or concealment of, property, or suffering of decree	11	15	11	4			
False claim in court of justice	1	3		3			
False charge of offence	15	21	11	8		2	do
Privolous or vexatious complaint	48	57	10	47			
Forgery or fraudulently using or possessing forged document	25	33	15	12	3	2	1 do
Making or using false trade marks	8	6	2	4			

Judicial Statement 2.—*(Continued).*

Description of offence	Number of offences reported during the year.	Number of Persons under trial during the year	Acquitted or discharged	Convicted	Died, escaped, transferred &c.	Remaining under trial.	REMARKS.
Public Nuisance.							
Public nuisances under Penal Code ..	455	854	269	585	..	..	
Nuisances under Police or Municipal and Local Acts	1,148	2,740	309	2,437	..	..	
Relating to the Public Peace.							
Rioting or unlawful assembly ..	160	1,164	486	666	5	7	
Omitting to inform of, or prevent, riot ..	14	42	27	15	..	..	
Affray	168	622	206	416	..	..	
Offences relating to religion	21	48	32	16	..	..	
Total Class I....	3,544	8,190	2,219	5,901	22	33	15 Committed.
CLASS II.							
Offences against the Person.							
Murder { By Dacoits .. .. By Robbers .. .. By poison (from other motives)	31 8 30	60 7 39	14 2 12	21 5 30	6 .. 1	10 .. 6	9 Committed.
Other murders (from motives connected with women)	18	27	7	1	..	2	17 do.
Do (from other motives) ..	48	88	38	23	4	6	22 do
Murder on high seas	1	1	..	1	..	..	
Attempt to murder	6	8	1	2	..	4	1 do.
Culpable homicide	25	49	25	12	6	..	6 do.
Abetment of suicide	1	1	..	..	..	..	1 do.
Attempt to commit suicide	18	23	7	14	1	1	
Causing miscarriage	2	7	7	..	..	..	
Exposure of infant or concealment of birth.	2	2	2	..	..	..	
Grievous hurt	117	172	93	67	1	5	6 do,
Grievous hurt on grave and sudden provocation	1	1	..	1	..	..	
Hurt	251	488	302	184	..	2	
Hurt by dangerous weapons	48	63	31	31	1	..	
Administering stupifying drugs	2	2	..	2	..	..	
Causing hurt to extort property or confession	12	20	8	18	3	..	
Act dangerous to life or safety	49	76	30	46	..	..	
Wrongful restraint	46	88	47	41	..	..	
Wrongful confinement	21	63	42	19	..	2	
Assault or use of criminal force	4,449	6,914	5,066	1,807	..	41	
Assault in committing theft	1	1	..	1	..	..	
Assault or outraging a woman's modesty ..	1	2	..	2	..	..	
Assault in attempting to confine	1	1	1	..	..	..	
Criminal intimidation or insult	4,270	5,783	4,303	1,356	..	23	6 do.
Causing annoyance in state of intoxication.	90	125	58	72	..	..	
Unlawful compulsion of labour	5	8	5	3	..	..	
Buying or disposing of any person as a slave	1	2	2	..	..	..	
Kidnapping or abduction	41	74	52	20	..	1	1 do
Abducting a woman to compel marriage or for defilement	1	1	..	1	..	..	
Enticing a married woman with criminal intent	29	48	46	2	..	..	
Adultery	91	98	87	7	..	..	4 do
Rape	67	80	57	13	2	1	7 do.
Unnatural offences	15	21	15	5	..	1	3 do.
Defamation	45	59	47	12	..	..	
Total Class II....	9,634	14,424	10,467	3,809	25	110	83 Committed.

Judicial Statement 2—*(Continued.)*

Description of offence.	Number of offences reported during the year.	Number of Persons under trial during the year.	Acquitted or discharged.	Convicted.	Died, escaped, transferred &c.	Remaining under trial.	REMARKS.
CLASS III.							
Offences against property With violence.							
Dacoity	103	408	135	112	35	9	127 Committed.
Preparation or Assembly for dacoity	41	81	7	38	..	5	
Robbery with hurt with deadly weapon	19	50	9	32	5	..	4 do.
Robbery	153	224	78	107	10	2	17 do.
Extortion	66	137	94	43	..	..	
House breaking or house-trespass in order to commit theft	405	230	85	142	1	11	
House breaking or house-trespass in order to commit an offence other than theft	89	103	49	55	.	.	
House breaking or house-trespass with preparation for attempt at hurt	18	47	10	6	.	..	1 do.
House breaking or lurking house trespass	42	98	49	45	.	..	4 do.
Without violence.							
Theft of cattle	681	827	237	582	..	8	
Theft ordinary	6,355	5,082	1,585	3,412	21	58	8 do.
Dishonestly receiving stolen property	499	9 3	345	592	.	5	1 do.
Dishonest misappropriation of property	274	401	245	214	..	2	
Criminal breach of trust	97	110	57	49	1	2	1 do.
Cheating	173	256	188	64	2	4	
Malicious offences.							
Mischief ordinary	307	692	519	170	.	3	
Mischief by poisoning or killing cattle	21	58	22	16	.	..	
Serious mischief by fire	69	128	70	23	8	20	7 do.
Setting fire to a vessel on the High Seas	1	1	1	..	..	..	
Criminal trespass or house-trespass	905	1,869	1,429	433	1	6	
Total Class III	10,318	11,706	5,214	6,120	69	135	168 do.
CLASS IV.							
Offences not included in the above Classes.							
Belonging to a gang of { Dacoits / Thieves	11 / 15	24 / 37	15 / 12	7 / 24	.. / ..	.. / 1	2 Committed
Vagrancy without ostensible means of livelihood	816	1,430	446	940	..	4	
Bad habit and repute	185	220	61	156	.	3	
Criminal breaches of contracts of service	7	7	6	1	..	..	
Maintenance to wife and children	7	7	5	2	..	..	
Selling noxious food	2	5	1	4	..	..	
Furious driving or riding	4	4	1	3	..	..	
Negligent conduct with fire	4	4	1	3	..	..	
Negligently endangering life	1	1	1	..	..	..	
Assault on Police officers	5	5	4	1	..	..	
Abetting concealment of stolen property	1	1	.	1	..	..	
Other offences	34	35	2	33	..	..	
Total Class IV	1,040	1,780	555	1,215	..	8	2 do.

Judicial Statement 2.—(*Continued.*)

Description of offence.	Number of offences reported during the year	Number of Persons under trial during the year	Acquitted or discharged.	Convicted.	Died, escaped, transferred &c.	Remaining under trial.	REMARKS.
Special laws of the Province, Breach of laws relating to							
Excise of Spirits and drugs (Abkarree)	1,088	1,592	538	1,037	1	16	
Opium (Act XXII of 1863)	34	44	14	30	..	..	
Forests	64	114	19	95	..	..	
Gaming and Lotteries (Act III of 1867)	506	2,375	713	2,656	1	5	
Post Office	2	2	..	2	..	..	
Cattle trespass Act (Act III of 1857)	20	59	16	43	..	..	
Arms Act (Act XXXI of 1860)	28	41	13	27	..	..	1 Committed.
Opposing Seizure of cattle	3	4	..	4	..	..	
Shipping Act of 1854	15	28	1	27	..	..	
Hack carriage rules of 1864	150	448	225	238	..	..	
Income tax Act of 1870	14	209	157	52	..	..	
Local rules	86	172	40	131	..	1	
Peace	7	11	9	2	..	..	
Crews wages	3	3	..	3	..	..	
Stamps	1	1	..	1	..	..	
Police rules	52	91	15	79	..	..	
Excise rules	1	1	..	1	..	..	
Ferry rules	15	26	1	25	..	..	
Slaughter house rules	3	16	16	..	..	..	
Municipalities	19	505	375	130	..	..	
Customs Act	2	2	..	2	..	..	
Harboring deserted Seamen	1	1	1	..	..	..	
Being in possession of Soldiers clothing	6	9	2	7	..	..	
Breach of contract	7	9	9	..	..	..	
Passengers' Act	1	1	..	1	..	..	
Miscellaneous	165	371	153	211	2	2	3 do.
Total	2,348	7,153	2,317	4,804	4	24	4 do.
Abstract.							
Offences under Class I	3,544	8,190	2,219	5,901	22	83	15 Committed.
Do. Class II	9,884	14,494	10,467	3,809	25	110	83 do.
Do. Class III	10,818	11,706	5,214	6,120	69	135	168 do.
Do Class IV	1,040	1,780	555	1,215	..	8	2 do
Breach of Special Laws of the Province	2,348	7,153	2,317	4,804	4	24	4 do.
Grand Total B. B.	27,084	43,323	20,772	21,849	120	310	272 do.

Judicial Statement

STATEMENT showing the general result of Criminal trials

British Burma,

CLASS OF TRIBUNAL.	NUMBER OF PERSONS DEALT WITH						
	Remaining at end of last year.	Brought to trial during present year.				Received by transfer.	Total.
		Under arrest by Police.	Upon warrant.	On summons	Voluntarily		
1	2	3	4	5	6	7	8
Village Officers	..	..	..	..	..	..	..
Unpaid Magistrates	..	..	9	..	..	..	9
Local and Subordinate paid Magistrates ..	125	9,253	3,378	11,731	..	2	24,559
Full power Magistrates exercising jurisdiction in Cantonments	1	541	12	454	..	..	1,008
Full power Magistrates exercising jurisdiction in Towns	180	3,418	461	5,687	6	.	9,752
Full power Magistrates exercising jurisdiction throughout the district	68	2,628	210	874	.	..	3,280
Chief Magistrates of districts	85	3,697	264	958	3	8	4,965
Total Magistracy	479	19,537	4,334	19,204	9	10	43,573
Sessions Courts	17	236	..	..	..	232	485
High Court	.	.	..	.		.	..
Grand Total....	496	19,773	4,334	19,204	9	242	44,058

3, (Criminal).

in the Tribunals of various classes in the Province of

in the year 1870.

Persons disposed of					Remaining at end of year.	Average number of days during which each case lasted.	Number of witnesses who attended.	Remarks.
Discharged without trial	Acquitted.	Convicted.	Committed or referred.	Digd, escaped, or transferred.				
9	10	11	12	13	14	15	16	17
						days.		
..	..	..	..	..	..	..	..	
..	..	9	..	..	..	1	6	
2,030	10,345	11,325	97	10	156	4	29,914	
195	212	597	2	2	..	6	1,124	
3,077	1,873	4,689	50	9	45	6	8,960	
153	879	2,026	175	27	18	3·3	6,257	
480	1,086	3,164	105	15	55	5·5	7,811	
6,527	14,395	21,810	498	69	274	..	54,072	
..	106	278	13	45	43	34 6	1,196	
..	..	..	..	..	..	..	..	
6,527	14,501	22,088	511	114	317	..	55,268	

Judicial Statement

STATEMENT showing the punishments inflicted by various Criminal

CLASS OF TRIBUNALS	PERSONS SENTENCED TO													PERSONS ORDERED TO FIND OR GIVE.		
		TRANSPORTATION.			IMPRISONMENT				FINE.		WHIPPING					
					RIGOROUS.											
	DEATH.	FOR LIFE.	FOR A TERM.	PENAL SERVITUDE.	WITH SOLITARY CONFINEMENT.	WITHOUT SOLITARY CONFINEMENT.	SIMPLE.	FORFEITURE OF PROPERTY.	WITH IMPRISONMENT.	WITHOUT IMPRISONMENT.	IN ADDITION TO OTHER PUNISHMENT.	IN LIEU OF OTHER PUNISHMENT.		SURETY OF THE PEACE.	RECOGNIZANCE.	SURETIES FOR GOOD BEHAVIOUR
Magistrates—Unpaid ..	.		.	..	..	3	.		.	3	3	..		..		..
Local and Subordinate paid Magistrates ..	..	.	.		.	2,138	188	.	257	8,629	18	71		..	4	12
Full power Magistrates of general jurisdiction	..	.	..	.		1,437	98		184	4,553	14	75		10	3	650
Chief Magistrates of Districts .. .	.	..	8	.	4	1,093	41	..	304	1,055	17	80		29	8	488
Total Magistracy	.	..	8	..	4	4,671	327	..	745	14,240	52	226		39	15	1,150
Sessions Judges . ..	33	35	14	..	.	199	5	1	4	1	..	..		..	..	..
Grand Total.	33	35	22		4	4,870	332	1	749	14,241	52	226		39	15	1,150

4, (Criminal).

Tribunals in the Province of British Burma, in the year 1870

Detail of Punishment																					
Fine									Imprisonment										Whipped		
									15 days		6 months.		2 years		7 years		Above 7 years.				
Rs 10 and under	" 50 "	" 100 "	" 500 "	" 1,000 "	Above Rs 1 000	Total amount of fines	Amount realised	Amount paid by way of compensation	Rigorous.	Simple.	Rigorous	Simple.	Rigorous.	Simple.	Rigorous	Simple.	Rigorous	Simple	10 Stripes and under	20 Stripes and under	30 Stripes and under
	3					90	90				2		1							1	2
3,908	4 553	242	7			1,08,549	89 161	5,819	624	32	1 616	159							32	43	14
3,289	1 142	110	82	3		90,684	48 317	2,388	207	35	765	54	557	8	8	1			11	87	31
516	458	170	75	3	4	77,884	25 355	3,219	106	11	409	65	521	4	140		1		7	62	28
7,803	6 156	528	164	6	4	2,77,207	1,02,923	11,451	937	78	2,882	278	1,079	12	148	1	1		50	143	75
	2		7	2		4,100					10	3	45	1	82		45				
7,803	6,158	528	171	8	4	2 81 307	1,62,923	11,451	937	78	2,892	281	1,124	13	230	1	46		50	143	75

Judicial Statement

STATEMENT showing the result of Appeal and

of British Burma,

TRIBUNAL.	Number of appellants or persons applying for revision under Section 404, C Cr P	Number	
		Appeals or applications rejected	Sentences confirmed
1	2	3	4
Magistrates of Districts—Appeals from unpaid Magistrates	..	..	
Magistrates of Districts—Appeals from paid Magistrates	415	86	169
Magistrates of Towns—Appeals from unpaid Magistrates		.	.
Magistrates of Towns—Appeals from paid Magistrates	15	5	5
Magts of Cantonments—Appeals from unpaid Magistrates	..	.	
Magts of Cantonments—Appeals from paid Magistrates.	6	2	.
Sessions Courts—Appeal from unpaid Judges	..	..	..
Sessions Courts—Appeal from paid Judges.	422	49	225
Chief Court of the Province	114	17	56
Total	970	108	455

5, (Criminal).

Revision in Criminal Cases in the Province during the year 1870.

of Persons						
Sentences modified	Sentences reversed.	Proceedings quashed	Further inquiry or evidence ordered	Cases referred for revision to High Court.	Pending	REMARKS
5	6	7	8	9	10	11
68	169	1			1	2 Transferred
					.	
2	8					
	..		..			
1	1		..	..	.	
..	..	..	..	..	..	
55	70	7	3	9	4	
14	12	.	..	..	15	
110	255	8	3	9	20	2 Transferred

Judicial Statement

STATEMENT showing the number and description of Civil suits instituted

CLASS OF TRIBUNALS	Suits for Money, distinguishing Suits up to Rs 500, cognizable by Small Cause Courts from other cases																					
	On written objection.		On unwritten.		On account stated.		Money had and received.		Goods sold		Breach of contract not mentioned above		Rent not falling under the Rent Law		Moveable property or value thereof		Damages.	
	Rs. 500 and under	Above Rs 500	Rs 500 and under	Above Rs 500	Rs. 500 and under	Above Rs. 500	Rs 500 and under	Above Rs 500	Rs. 500 and under	Above Rs. 500	Rs 500 and under	Above Rs. 500	Rs. 500 and under	Above Rs. 500	Rs 500 and under	Above Rs 500	Rs 500 and under	Above Rs 500
Paid Sub divisional Tribunals	2,751	228	1 981	161	633	34	1,165	11	2,225	53	1,389	1	377	8	2 044	22	1,094	6
Chief Courts of Districts		2	3			2		9	1		1		1		1		3		3	
Recorders Courts	2"7	350		16	1	3		22		17		23		2		1	44			12
Small Cause Courts	2 905	54	1,101	8	107	1	350	5	1,251	11	336		311	2	281	7	54	7		
Grand Total	5 933	654	3,085	185	741	40	1,524	39	3,486	82	1,726	25	688	13	2 326	29	2,048	28		

6, (Civil)

in the Civil Courts of the Province of British Burma in the year 1870

Suits under the Rent Law								Other Suits													
Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause	For pottahs or kabooleats.	For ejectment or recovery of possession	For recovery of money or accounts from Agents.	All other suits under the rent Law not included above	Suits for immoveable property	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights	Suits for an account	Suits relating to religious endowments.	Suits to set aside judgments contracts or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights	Suits for partition.	Suits relating to shipping	Suits relating to religion and caste	REMARKS.
								1205	13	290	365	290	5	194	1170	174	237			11	
								7									1				
								5	4	15	14	9	1		8	8	2	2			
									1												
1217	142	805	379	299	6	194	1178	182	230	2	11										

Judicial Statement 7, (Civil.)

STATEMENT shewing value of suits disposed of in the Civil and Revenue Courts of the Province of British Burma, in the year 1870.

VALUE OF SUITS	Number of Suits disposed of in different Courts.					Total value of Suits.		
	Village Courts.	Small Cause Courts.	Moonsiff's Deputy Collectors' and other Sub-Divisional Courts.	District Courts.	Superior Courts.			
1	2	3	4	5	6	7		
In Civil Courts. Rs.						Rs.	A.	P.
Not exceeding 5	....	266	2,323	....	3	10,242	2	1
„ „ 20	....	2,173	5,455	4	72	1,06,719	15	7
„ „ 100	....	3,046	8,629	5	235	6,45,952	11	1
„ „ 500	....	1,141	2,381	6	162	6,87,471	6	1
„ „ 1,000	....	105	170	8	115	3,22,725	1	8
„ „ 5,000	....	....	58	2	193	5,40,597	4	5
„ „ 10,000	....	....	....	3	49	2,85,069	11	..
„ „ 100,000	....	....	....	6	19	6,07,718	6	6
Exceeding 100,000	..	....	....	....	1	5,05,776	..	..
Not valued	..	....	....	....	5	....	..	..
Total	....	6,731	19,016	34	844	37,12,272	10	5
In Revenue Courts. Rs.								
Not exceeding 5	...	....	278	742	....	4,612	3	1
„ „ 20	....	....	140	191	....	4,607	1	8
„ „ 100	..	..	54	219	....	12,119	6	5
„ „ 500	.	.	65	81	....	48,128	12	3
„ „ 1,000	...	.	2	12	....	9,330	10	0
„ „ 5,000	....	.	11	....	....	12 376	0	0
„ „ 10,000	.	....	....	1	....	6,200	0	0
„ „ 100,000	....	....	....	....	....	....	..	..
Exceeding 100,000	..	....	....	....	....	....	..	.
Total in Revenue Courts	...	....	550	1,246	....	97,374	1	5
Grand Total	..	6,731	19,566	1,280	844	38,09,646	11	10

Judicial Statement 8, (Civil.)

STATEMENT showing the general result of the trial of Civil suits in the Courts of Original Jurisdiction in the Province of British Burma, in the year 1870.

CLASS OF COURTS.	Suits remaining from last year	Instituted in 1870	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte	CONTESTED. Judgment for Plaintiff in whole or part.	CONTESTED. Judgment for Defendant	Total disposed of.	Pending.	Over 2 months.	Over 4 months.	AVERAGE DURATION OF SUITS. Contested.	AVERAGE DURATION OF SUITS. Uncontested.	Referred to arbitration.
Village Courts	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Small Cause Courts	331	8,218	..	8,549	14	110	1,185	30	325	785	3,600	79	1,422	614	8,164	332	45	17	14·6	14·	53
Unpaid Local Tribunals	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Paid Sub-divisional Tribunals	292	19,143	18	19,453	27	80	3,542	409	1,612	1,999	1,835	31	6,834	2,650	19,019	287	22	10	23·77	9·82	147
District Courts other than Chief Courts of District	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Chief Courts of Districts	3	32	5	40	7	2	2	2	..	4	1	..	13	7	33	2	1	1	25·73	0·33	..
Superior Courts of General Jurisdiction.	236	1,612	15	1,863	2	3	142	11	56	116	931	74	281	127	1,743	111	36	40	153·	·46	9
Superior Courts of Special Jurisdiction — Admiralty	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Superior Courts of Special Jurisdiction — Testamentary	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Superior Courts of Special Jurisdiction — Matrimonial	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Superior Courts of Special Jurisdiction — Insolvent	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Total	862	29,005	38	29,905	50	195	4,871	452	1,993	2,904	6,367	184	8,550	3,398	28,964	732	104	68	64·27	17·54	209
REVENUE COURT.																					
Unpaid Local Tribunals	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Paid Sub-divisional Tribunals	..	550	..	550	..	51	89	7	39	50	22	..	146	132	536	14	..	14	..	..	..
Courts of Collectors	..	1,246	..	1,246	..	116	70	..	..	533	85	..	165	244	1,233	13	10	3	·9	4	..
																			4	5	..
Total	..	1,796	..	1,796	..	167	159	7	39	583	107	..	311	376	1,769	27	10	17	6	4	
Grand Total	862	31,801	38	31,701	50	362	5,030	459	2,032	3,487	6,474	184	8,861	3,774	30,733	759	114	85	35 18	10·77	209

Judicial Statement 9, (Civil.)

STATEMENT showing the business of the Civil and Revenue Appellate Courts of the Province of British Burma, in the year 1870.

CLASS OF COURT.		Remaining from last year	Instituted in 1870.	Received by transfer	Total.	Transferred.	Dismissed for default, or under 5 and 6, Act XXIII of 1861.	Heard ex-parte.			Contested				Total disposed of.	Pending.	Over four months.	Objections under Section 388, Act VIII, 1859.	Objection allowed.	REMARKS
								Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.						
Civil Appellate Court other than Chief Court of District		..	..	..	..	.	..	..	..	..	..	..	..	..	..	..	..	..	..	
Collector's Appellate Court		..	..	.	..	.	.	.	..	..	..	..	..	..	..	..	..	..	..	
Chief Appellate Court of District.	Civil Appeals	103	1,379	9	1,491	9	52	180	12	25	689	74	519	87	1,447	44	..	7	7	
	Revenue Appeals	..	.		.	.	..	.	.	..	..	..	..	..	..	.	..	..	..	
Superior Appellate Courts other than Chief Court of Province		5	135	.	140	.	7	60		4	30	5	14	3	123	17	..	..	..	
Chief Court of Province.	Regular Appeal from Judge or Bench in Original Jurisdiction	.	..		..	..	.	..	..	..	..	..	..	.	..	..	..	..	..	
	From District Courts	.	..		..	..		..	..	..	..	.	..	..	..	..	..	..	..	
	Special Appeals	6	54	.	60	1	..	42	.	1	2		.	..	46	14	4	..	..	
Total		114	1,568	9	1,691	10	59	282	12	30	721	79	333	90	1,616	75	4	7	7	

Judicial Statement 10, (Civil).

STATEMENT showing the execution of the Decrees of the Civil and Revenue courts of the Province of British Burma, in the year 1870.

CLASS OF COURTS	Applications to execute Decrees.				Decrees completely executed.	Decrees partially executed.	Pending at the end of 1870	Decrees executed by possession being given	Nature and Number of coercive processes issued.						REMARKS.
	Pending	Filed.	Received by transfer	Total.					Imprisonment of person.	Moveable property.		Immoveable property.		Orders under Section 243, Code of Procedure.	
										Attached	Sold	Attached	Sold.		
Village Courts	..	.	..		.	..	..	.	.	.	..	..	..	..	
Small Cause Courts . .	51	2,728	13	2,792	1,580	726	40	6	868	598	221	..	..		
Local and Sub-divisional Civil Courts . .	123	4,828	12	4,963	3,156	1,638	168	94	516	1,945	762	742	380	..	
Revenue Courts	9		..	9	9	..	..	..	.	..	..	..	..	..	
District Courts .. .	2	158	5	165	84	70	11	..	26	84	61	28	7	..	
Superior Courts . ..	18	691	52	761	182	315	19	..	95	129	95	220	177	6	
Total	203	8,405	82	8,690	5,011	2,749	238	102	1,505	2,756	1,139	990	564	6	

Judicial Statement 11, (Civil).

STATEMENT showing use of Juries and Assessors in the Civil and Criminal Courts of the Province of British Burma, in the year 1870.

Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts.	Established or average number of Jury or Assessors in each case and prescribed qualification.	Number of cases tried by Jury.	Number of cases with Assessors.	Jury Trials.		Assessors Trials.		Note showing in what classes of cases Juries and Assessors have been principally employed.	REMARKS.
				Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.	Number of cases in which Judges agreed with Assessors.	Number of cases in which Judges differed from Assessors.		
Sessions' Court, Arakan	3 Assessors	.	42	..	..	33	9	Juries and Assessors have been principally employed in Criminal trial only	
Do. Pegu	14 do.	.	160	..	.	116	44		
Do Tenasserim	..	.	32	..	..	24	8		
Recorder's Court, Rangoon, (Criminal)	5 Jurors as laid down in the Criminal Procedure Code.	36	.	..	.	..			
Do. Maulmain, do	Do	9	.	..	..	..	.		
Total	.	45	234		.	173	61	..	

Judicial Statement 12.

STATEMENT of Deeds registered in the Registration Offices of the Province of British Burma, in the year 1870.

CLASS OF REGISTRY OFFICE.	Number of Officers	Number of Deeds registered.															Amount of fees received	Actual cost of Registry Office
		Obligation for payment of money not secured on real property.					Receipts and other acquittances.		Leases		Deeds of sale or mortgage of real property of value not exceeding Rs. 100.	Deeds of gift of real property.	Deeds of sale or mortgage of same when value exceeds Rs. 100.	Deeds affecting real property not included in above.	Wills.	Authorities to adopt.		
		Not exceeding Rs. 20	Not exceeding Rs. 200.	Not exceeding Rs. 5,000.	Exceeding Rs 5,000	Order personal contracts.	Not affecting real property.	Affecting real property.	For terms not exceeding one year.	For terms exceeding one year.								
Arakan Division	3	..	..	7	2	134	..	..	..	1	20	5	131	10	..	7	616-0-0	24-12-0
Pegu do.	9	2	61	148	35	22	11	19	..	2	87	8	591	148	5	99	2,934-0-0	542- 8-0
Tenasserim do.	5	1	5	17	17	37	1	1	..	1	41	2	251	4	3	..	823-0-0	314- 0-0
Total ..	17	3	66	172	54	194	12	20	..	4	148	13	1,073	162	8	99	4,373-0-0	881- 4-0